

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

**4:00 PM Wednesday, February 5, 2003**

**Key Largo Civic Club**

**209 Ocean Bay Drive**

**Key Largo, Monroe County, Florida**

## **Commissioners Present**

Chairman, Andrew Tobin, Esq.

Gary Bauman

Cris Beaty

Charles Brooks

Jerry Wilkinson

## **Staff Present**

Robert Sheets, General Manager

Charles L. Sweat, Director of Operations

Amy Dukes, Esq., Legal Counsel

Robert Betancourt, PE, Gartek Engineering

Faith Doyle, Board Clerk

## **Guests Present**

Charles Fishburn, PE, Gartek Engineering

David Refling, PE, Boyle Engineering

Steve Gibbs, Reporter, Key Largo Free Press

Commissioner Murray Nelson, Monroe County

- A. Open Public Hearing to consider adoption of Resolution approving the use of FCAA non-rule policies.

Chairman Tobin opened the public hearing at 4:07 PM.

Ms. Amy Dukes, Legal Counsel stated that with time being of the essence KLWTD drafting their own rules was impractical. At present to have policies on the record adopting the FCAA's as non-rule policies would bridge the gap. Ms. Dukes stated that copies of the document had been emailed to all commissioners and a copy was provided for those assembled to review.

### **1. Public Comment**

Mr. Steve Gibbs, Key Largo resident asked how these rules would affect the KLWTD. Ms. Dukes stated that KLWTD would be adopting these as non-rule policy, meaning they will be policy and not as stringent as rules. The policy gives guidance on

operations. The Board can choose to follow the policy provided but if necessary they could be revised by resolution. Mr. Gibbs asked when KLWTD would draft theirs. It was stated that a timeframe would be established in the near future.

## 2. Board Discussion

Commissioner Brooks stated that presently the policy would not be in affect until the projects are on line and until that time the Board has the option to set up their own procedures. Ms. Dukes stated that this was correct and what the Board is adopting would be a template that could be adjusted as necessary. Ms. Dukes stated that the terminology "non-rule policy" was used because chapter 120, which mandates use of rules and regulations, would not apply in this instance.

Chairman Tobin stated that by adopting the FKAA Rules as non-rule policy is intended to work within the framework of the law and this action would satisfy the grant requirement to have policy in place before funding is received and the plants were in operation.

## 3. Action on Resolution

**Commissioner Wilkinson made a motion to approve Resolution 2003-9. Commissioner Brooks seconded the motion. All were in favor and the motion was unanimously approved.**

## 4. Close Public Hearing

Chairman Tobin closed the public hearing at 4:19 PM

### B. Call to Order – KLWTD Regular Meeting

Chairman Tobin continued the regular KLWTD meeting at 4:20 PM, which had been called to order at 4:06 PM.

Chairman Tobin stated that it would be a policy of the Board to present action items as follows: board discussion; formal motion; second to the motion; public comment; then if no further discussion the Board will vote on the motion.

### C. Pledge of Allegiance

The pledge was lead by Commissioner Brooks prior to the opening of the public hearing.

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

Chairman Tobin requested that the additions, deletions or corrections to the agenda section be moved to after action items on the next agenda. Chairman Tobin stated that there should be a deadline implemented for the agenda and he suggested Friday at 5:00 PM. Chairman Tobin suggests that if any additional items are given to the clerk

after that time they should be forwarded to all other board members and then discussed at the end of the meeting. These "emergency items" would only be accepted by the end of the workday on Monday prior to the meeting.

E. Minutes – January 15, 2003; January 22, 2003; January 29, 2003

**Commissioner Brooks made a motion to approve the minutes of the January 15, 2003; January 22, 2003 and January 29, 2003 meetings. Commissioner Beaty seconded the motion. All were in favor and the item was unanimously approved.**

F. General Manager Report

1. Discussion and update of the Critical Events Master Schedule for DEP Agreement No. LP0338

Mr. Sheets stated that attached to the agenda at item F1 was a memorandum detailing his meeting with Dick Smith of the FDEP, which is made part of this record as "Attachment A".

Mr. Sheets gave an overview of the memorandum emphasizing that the level of commitment from the KLWTD needs to be demonstrated to the FDEP to move forward. The need for a five year capital improvement plan with the impact on the rate payer will be required, the FDEP is aware that the present Board can not bind any future Boards so any plan submitted could be amended when necessary.

Mr. Sheets meet with George Garrett of Monroe County who was extremely helpful with accomplishing the goals and solidifying the local commitment of funds per project. The total commitment of dollars to date is more than sufficient to fund the projects, however, the funds need to be segregated for the two projects. Mr. Smith sees the final Transitional Interlocal Agreement ("TIA") as satisfying many of the FDEP's requirements.

The FDEP wants to have an implementation plan to address the removal of facilities on private property, including the anticipated costs and what mechanism will make the financial burden more bearable for the ratepayer. The plan must demonstrate that the KLWTD is serious on implementing a mandatory connection plan.

Mr. Sheets stated that a fully executed TIA should be forwarded to the FDEP by February 21, 2003 if available, if not a letter from the chairman stating it was forthcoming would be sufficient. Mr. Sheets stated that a public hearing is to be held prior to March 1, 2003 to receive public comment on the financial impact of the projects.

Commissioner Brooks asked what would be involved with implementing assessments on connecting laterals. Mr. Sheets stated that there are several options to be discussed. The board has options because of its taxing ability to take a loan to cover costs and then assess the property owners on the county tax bill over time. At this point prior to March 1, 2003 it does not need to be decided but the options must be defined.

Commissioner Brooks stated that at the Monroe BOCC February 19, 2003 meeting the KLWTD should be represented. Chairman Tobin suggested the Jim Roberts of Monroe County be contacted for the BOCC protocol for presenting items. Mr. Sheets stated that the KLWTD items are on the agenda per George Garrett. It was suggested that the General Manager, Legal Counsel and the Chairman of the Board attend the meeting.

2. Discussion and consideration of appointing technical committee to evaluate RFP's

Mr. Sheets stated that the conference call held between staff and the engineers had initially answered all the issues raised by Gartek. However, after the conference call was memorialized in writing Gartek raised further issues that must be acted on by the Board.

Chairman Tobin called for a recessed at 5:20 PM.

Chairman Tobin reconvened the meeting at 5:28 PM.

Mr. Betancourt stated that out of the original 47 comments the following would require input from the Board: 1, 3, 4, 9, 12, 23 and 31.

1. Concerning the ranking procedures the RFP must be changed to create an evaluation committee. It was suggested the Director of Operations, a Gartek representative, a Boyle representative and two Board members be included on the committee. The point system needs to be revised with the Boards approval because staff had not reached consensus. The point award for local experience was the point of contention. Discussion ensued. It was determined that two submittals, a technical submittal to be received on 2/19/03 and a cost submittal to be received on 2/26/03. The technical committee would meet in publicly noticed meetings to rank the technical submittals. The rankings would be presented to the Board as the selection committee. The ranking process was described to the Board as having a total point value of 100. The local experience points were discussed and the consensus was that it should be weighted at zero and the points assigned to local experience are to be distributed equally between the remaining categories.

3. Concerning which equipment should be mandatory pre-purchase. Mr. Refling stated the benefit to pre-purchase is sales tax savings, however, there are possible liabilities for taking this course of action. Presently the RFP states this option is at the sole discretion of the Board to initiate after the project is designed. After design the Board can pre-purchase equipment and reduce the contract price by the amount of pre-purchased equipment needed. Gartek believes the RFP should list the specific items to be pre-purchased prior to the bids being received. Staff and Boyle contend that this would remove all flexibility the Board would have in using this option or to enact changes to the equipment list after design. Discussion ensued.

**Commissioner Bauman made a motion to not identify the pre-purchase equipment in the RFP. Commissioner Brooks seconded the**

**motion for discussion. Discussion ensued on if the benefit of listing equipment is to avoid contractor mark ups or sales tax savings. Boyle stated that it is for sales tax savings however there is some liability to naming the equipment in the RFP, not identifying it permits flexibility later, you leave the option opened to do it or not. Gartek stated if the specific equipment is not named you could receive lopsided bids. Boyle states verbiage that the bidders are not to consider the pre-purchase clause when bidding is included in the RFP. Commissioner Bauman amended his motion to state that the RFP is not to identify the pre-purchase equipment and the verbiage is to be added to clearly state the bidders are not to consider this option in their bid price. Commissioner Wilkinson stated that he believes a pre-purchase option should not be considered in any form. The question was called. Commissioners Tobin, Beaty, Bauman and Brooks voted in favor. Commissioner Wilkinson was not in favor. The motion carried.**

4. Concerning naming County employees in the RFP. Boyle had no counter point they feel it is not necessary to name the County employees. However, if so the County should be made aware of the provision. All were in agreement and the County would be advised.

9. Concerning experience working in the Keys had been covered along with item one.

12. Relating to Boyle providing a PDR via addendum. Boyle stated that a PDR was sent when the bid packs were issued. It was also made available to those at the pre-bid. Mr. Sheets stated all additional information should be sent as addendum because it is documented as being received. Mr. Sweat stated that he has a signed sheet stating the PDR was received at the pre-bid. Boyle is to place on the addendum receipt sheet stating that the PDR was received.

23. Concerning safety procedures. Legal Counsel stated that OSHA safety standard prevail if listed or not this can be done at the Boards pleasure either is legally acceptable.

**Commissioner Brooks made a motion to add that OSHA Safety Standards prevail. Commissioner Wilkinson seconded the motion. All were in favor and the item was unanimously approved.**

31. Concerning two vacuum system manufactures being named as equal vendors for the RFP. Boyle stated that both were to be named and if there was an oversight it would be corrected.

Commissioner Brooks requested that the members of the Technical Evaluation Committee be given by name. Commissioner Wilkinson stated that a financial

representative should be appointed if possible. Discussion ensued on the need for the meetings to be public, the specific procedures and if the Board should be the committee or if it should be a mixture of staff and the Board. It was noted that publicly noticed meetings to provide rankings for the selection committee (the Board) and interviews by the selection committee would be acceptable. **A motion was made by Commissioner Brooks that the Technical Evaluation Committee will consist of the following persons: Charles L. Sweat, Robert Betancourt, David Refling, Charles Brooks, Jerry Wilkinson, Cris Beaty and Andrew Tobin as an alternate. All committee meetings will be held with public notice. Commissioner Bauman seconded the motion. All were in favor and the motion was unanimously approved.**

Robert Betancourt asked if the vendor demonstration should be held when scheduled (2/17/03) and be attended by the evaluation committee, or should the meeting be changed. It was asked if the meeting were held would there be legal ramifications. Mr. Sheets does not believe the demonstrations are needed at the moment, but should proceed once the short list of prospective bidders is developed. Commissioner Tobin believes that due to the time constraints and because the bids are out it is not prudent to meet with anyone. Board input was requested. Commissioner Wilkinson stated that he would like to see both systems to know the differences and benefits of each. Commissioner Brooks has seen a demonstration on one of the systems and the other system working in the field but would appreciate the complete overview. Commissioner Beaty would like to have as much information as possible prior to the technical committee meetings. **Commissioner Brooks made a motion to hold a joint meeting with both vendors on February 17, 2003. Commissioner Beaty seconded the motion amending that the meeting be publicly noticed. Chairman Tobin stated that Legal Counsel is to clarify the legal ramifications of holding the meeting and gave Legal Counsel the authority to cancel the meeting if necessary. Commissioners Tobin, Beaty, Brooks and Wilkinson were in favor. Commissioner Bauman was not in favor. The motion carried.**

3. Discussion and consideration of procuring insurance coverage for the KLWTD

Mr. Sheets presented two insurance quotes from Florida Cities on basic insurance coverage. One quote was for the minimum million-dollar general liability policy and the second was for five million dollars in coverage. Board action is required to establish the policy. The insurance will be reviewed again after the facilities are in the ground. **Commissioner Brooks made a motion to approve the five million dollar general liability policy from the League of Cities. Commissioner Wilkinson seconded the motion for discussion. Chairman Tobin asked if all coverage listed were necessary. Mr. Sheets stated that no but removing them had no affect on the**

**premium. With no further discussion, all were in favor and the item was unanimously approved.**

#### G. Legal Counsel Report

Ms. Dukes presented the legal counsel report, which is made part of this record as "Attachment B". The highlights are that the Transitional Interlocal Agreement is moving quickly and well with all comments managed by Ms. Dukes. It appears that it should be complete and executed before the March 1, 2003 deadline. The Board gave consensus that it is permissible to distribute the TIA in draft form to the other parties.

Commissioner Bauman asked if any more policy issues needed to be resolved. Ms. Dukes stated that no there was not. The document was drafted with flexible language to provide repayment options on monies being provided by the County. The draft would be forwarded tomorrow and any comments are needed as soon as possible.

Commissioner Brooks comments that Legal Counsel has made remarkable progress on the TIA and that it is appreciated.

Ms. Dukes stated that two issues remain on the GARTEK Professional Consulting Services Agreement that needs to be resolved prior to Mr. Betancourt agreeing to sign it. The insurance deductible guarantee and to who the engineer is to report. Legal Counsel suggests that KLWTD amend our limits to be equivalent to Gartek's present insurance noting that this is a fair request if it is the pleasure of the Board. Gartek asked that the Board consider furnishing insurance to guarantee his deductible. Chairman Tobin stated that it is not required and that the KLWTD should not set precedence by covering a consultant's deductible. Mr. Betancourt is concerned because of exposure from Boyle and FKAA for malpractice. Mr. Betancourt respectfully disagreed with the position of the Chair. **Commissioner Brooks made a motion that the KLWTD not guarantee the insurance deductible for Gartek Engineering. Mr. Bauman seconded the motion with the amendment that the KLWTD reduce its two million dollar coverage requirement to one million dollar and deny the request for a guarantee of the \$20,000 deductible. All were in favor. The motion was unanimously approved.**

The other issue of concern to Gartek was whom do they report to. The first draft of the agreement stated that Gartek was to report to the Board. The revised agreement stated that Gartek was to report to the Board and the General Manager. **Commissioner Brooks made a motion that Gartek report to the Board and the General Manager. Commissioner Beaty seconded the motion. Commissioner Brooks stated that he does not want to take away from the Managers position, however, with notices going to both parties it would retain optimum communications. Commissioner Wilkinson wants to retain communication directly with the engineering firm. Chairman Tobin would like the chain of command stated in a policy with the General Manager as Chief Executive Officer of the KLWTD and all contractors employed by the KLWTD to report to the Manager,**

however, he has no problem with the contractors reporting to the Manager and the Board when disagreements arise, but with a clear understanding that the day to day operations must go through one person, the Manager. With no further discussion it was stated that Gartek is to report to the General Manager and the Board. All were in favor and the motion was unanimously approved.

Also covered in the Legal Counsel report was an update on the PRMG agreement, the letter forwarded to Commissioner Nelson concerning the BOCC 2/19/03 meeting and the Chapter 197 notifications to the County Property Appraiser and Tax Collector.

Commissioner Brooks stated that he had contacted staff concerning an additional amendment to Resolution 2003-4 requesting a MSTU from the County that would add language stating that the funds could be used to cover administrative costs. Ms. Dukes stated that staff had made her aware of the request, however, after discussion with Terry Lewis, Esq. of LLW, Legal Counsel advised the Board that specific language could be used against the KLTWD and limit the use of the funds. Presently MSTU funds can be used for all costs permissible under the charter that are incurred by the KLTWD. Mr. Sheets stated that it should remain flexible and that MSTU funds could be used for any purposes listed in the charter.

#### H. Engineering Report

It was noted that the 100% drawings from Boyle Engineering were being Federal Expressed to all for receipt on Thursday the sixth of February.

Mr. Refling of Boyle Engineering stated that the project bids would be delivered to the FCAA in Key West. He noted that the park and village are two separate bids. That technical proposals are due 2/19/03. Mr. Refling asked where the bid opening for the park should be. He stated that cost proposals for the village are due on 2/26/03 and that he needs to work with the General Manager on holding them unopened until the technical evaluations are done. The cost proposals should be held for opening at a public meeting after the technical rankings have been presented to the Board. Mr. Sheets stated that he would forward a schedule of the evaluation committee meetings and events.

#### I. Committee Reports

Commissioner Brooks stated that he and Chairman Tobin had attended the Intergovernmental task force meeting that was for County groups. Several of cities, municipalities and county entities are under the present comprehensive plan to distribute federal monies without dispute. The group is planning a trip to Washington DC to lobby the senate and congress on various local issues. Commissioner Brooks will forward letters to the Board members concerning the matter with background information and documentation on how the 3 million dollars being lobbied for will be spent.



## J. Action Items

### 1. Discussion and consideration of policy and procedure for simple contracts

Chairman Tobin stated that he would like future resolutions for contracts to include "approval by the Board and to be executed in final form by the Chair". Commissioner Brooks stated that he has strong feeling that a contract needs to be seen by the full Board prior to it being finally approved and executed. Commissioner Bauman asked if after Board approval of a general contract if email drafts could be forwarded to all Board members for review and if any objections are found then take it back to the Board. If no objections are received then the Chairman would sign the final contract without additional Board action. Commissioner Brooks believes contracts should be approved in final form at an open meeting and not by the internet and not by conference call. Chairman Tobin stated that with the time constraints on the KLWTD that as long as there are checks and balances in the process simple contracts could be executed without bringing them back for a formal vote. Discussion ensued. Commissioner Brooks suggested that in the future a consent agenda section be added to the agenda to eliminate discussion on every item brought up for consideration. Mr. Sheets stated that in the future general services contracts would be entered into with contractors and then work authorizations would be issued against the contract for projects.

**Commissioner Brooks made a motion stating that all contracts are to be approved in their final form by the Board. Commissioner Wilkinson seconded the motion. Commissioners Bauman, Beaty, Brooks and Wilkinson were in favor. Chairman Tobin was not in favor. The motion carried.**

### 2. Approval of Professional Consultant Services Agreement by and between KLWTD and Government Services Group, Inc.

The item was tabled and will be considered at the February 12, 2003 meeting.

### 3. Approval of Professional Engineering Consultant Services Agreement by and between KLWTD and Gartek Engineering Corporation

The Board has given its approval as noted above in the discussion under Legal Counsel report. The contract has been forwarded to Gartek Engineering for execution.

### 4. Approval of Resolution appointing PRMG as the KLWTD's rate consultant

It was noted that at the January 29, 2003 meeting the Board had approved the Resolution contracting with PRMG for rate consulting, however, the contract was to be considered at the present meeting. Legal Counsel was instructed to have the contract finalized and executed by the consultant for presentation to the Board at it's February 12, 2003 meeting.

### 5. Approval of Resolution adopting an Expenditure Policy

**Commissioner Brooks made a motion to approve the Resolution adopting an Expenditure Policy. Commissioner Bauman seconded the motion for discussion. Commissioner Wilkinson stated a financial statement should be provided to the Board on a monthly basis. Chairman Tobin requested that information on GSG's bonding and insurance status be made part of the policy. Mr. Sheets stated that GSG as the treasurer would provide monthly financial statements. Also, the requested information on bonding and insurance would be provided. Chairman Tobin asked if there was anyone present who wished to give public comment. There was none. With no further discussion, all were in favor and the item was unanimously approved.**

#### **J. Meeting Adjournment**

Chairman Tobin adjourned the meeting at 8:40 PM.

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

**4:00 PM Wednesday, February 12, 2003**

**Key Largo Civic Club**

**209 Ocean Bay Drive**

**Key Largo, Monroe County, Florida**

## **Commissioners Present**

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

## **Staff Present**

Robert E. Sheets, General Manager (GSG)  
Amy Dukes, Esq., Utility Counsel (LLW)  
Robert Betancourt, P.E., Engineer (Gartek)  
Fred Mittl, P.E., Engineer (Boyle)  
Faith Doyle, Board Clerk (GSG)

## **Guests Present**

Martha Richard, resident of Key Largo Mobile Home Park  
Charles Fishburn, Gartek Engineering  
Robert Burt, resident of Key Largo Trailer Village  
Burke Cannon, Key Largo resident  
John Stone, Key Largo resident  
Murray Nelson, Monroe County Commissioner  
Steve Gibbs, resident and Free Press Reporter

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

Chairman Tobin called the meeting to order at 4:07 PM.

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

The pledge was recited and lead by Chairman Tobin.

### **C. Minutes – February 5, 2003**

Commissioner Brooks suggested moving the minutes until later in the meeting.

The Board requested that additions, deletions and corrections to the agenda be moved to its previous location in the agenda. Chairman Tobin asked the members of the board if there were any additions, deletions or corrections to the agenda.

The General Manager requested that item G1 be removed from the agenda and it will be presented to the Board in the future.

The Chairman requested that item J1 be removed because the issue had been resolved at the previous meeting.

The Chairman stated that the major issue to be discussed at the meeting was the Transitional Interlocal Agreement ("TIA") and that George Garrett would be joining the meeting at approximately 5:00 p.m. It was requested that discussion on the TIA be postponed until Mr. Garrett's arrival.

#### D. General Manager Report

Mr. Sheets stated that scenarios would be developed for five year capital improvement plans, one that would show the BOCC funding as loans that would need to be repaid and another that would treat all contributions as grants except the final money. These will be done by February 29, 2003.

One of the items required by the DEP is to demonstrate committeemen to implement mandatory connection to the system. This requirement could be met by considering adopting the County's ordinance on the same issue.

It was requested that the Board at the next meeting present the County's ordinance on mandatory connection for consideration.

Mr. Robert Betancourt is not available to be a member of the Technical Evaluation Committee. Mr. Betancourt suggests Charles Fishburn of Gartek Engineering. The Board gave consensus to have Charles Fishburn replace Robert Betancourt as the Gartek Engineering representative to the Technical Evaluation Committee.

Mr. Sheets stated that the insurance coverage on the KLTWD is now in force.

#### E. Legal Counsel Report

Ms. Amy Dukes stated that as outlined in her report the focus of her attention has been on the TIA. It was requested that all comments on the TIA be submitted to her by Friday, February 14<sup>th</sup>. The TIA should be finalized and acted upon at the Wednesday the 19<sup>th</sup> meeting so that it can be presented to the Monroe BOCC at the meeting on February 19, 2003. Ms. Dukes stated that a special meeting of the KLWTD Board of Directors has been scheduled and noticed for 10:00 AM on February 19, 2003.

The clerk was requested to review the costs for classified advertising and legal advertising. Discussion ensued on the various newspapers that serve Key Largo. It is the intent of the Board to comply legally with the State of Florida noticing acts and to use the paper that gets to the citizenry. The February 26, 2003 public hearing and the

impact on the residents of Key Largo requires additional effort to inform those affected. It was suggested that the clerk contact the Monroe County property appraiser for a mailing list so that a letter detailing the agenda of the meeting could be forwarded to the residents. Commissioner Brooks stated that with the limited time and funds available that a notice to the village homeowners association could be more feasible. Mr. Sheets stated that technically notice should go to the property owner. The grant application requires community outreach beyond March 1, 2003. Developing community outreach programs will be imperative. The Board requested that staff provide additional notice of the public hearing scheduled for February 26, 2003 to the community and to coordinate the effort with the local homeowners associations.

Mr. John Stone stated that there presently is not a homeowners association for Key Largo Park. Mr. Robert Burt, the newly elected president of the Key Largo Trailer Village stated that the quarterly newsletter could be mailed earlier and could include notice of the public hearing. Mr. Burt also requested that a representative of the Board come to the Village's March 29, 2003 picnic for community outreach.

Ms. Dukes informed the Board that after March 5, 2003 there is not a KLWTD Board meeting schedule. Mr. Brooks noted that the Key Largo Civic Center would be available on Wednesday at 4:00 PM. The Board requested that the manager and legal counsel develop a schedule for the Board to consider.

#### F. Engineering Report

Fred Mittl of Boyle Engineering who has done the design work for the Key Largo Park (KLP) and the RFP for the Key Largo Trailer Village (KLTV) stated that all information is on the street.

The two projects being bid are the (KLTV), which, is a design build and includes a wastewater treatment plant and the Key Largo Park (KLP) project. There have been four addendums issued for the KLTV bids. The technical proposals will be received on February 19, 2003 at the Florida Keys Aqueduct Authority (FKAA) offices and then they will be forwarded to the committee members for review and discussion at the committee meetings to be noticed. The cost proposals are to be received on February 26, 2003 and held until the technical committee has finished its review and the technical ranking provided to the Board.

The second project KLP is a construction project and a detailed set of plans and specifications have been developed and are out to bid. The pre-bid was held on February 11, 2003 and the bids for KLP are due on February 25, 2003.

The comments received from Gartek on the 90/100 percent plans will be responded to and forwarded to GSG for review.

Commissioner Bauman asked if there would be advantages to one firm being awarded both projects. Mr. Mittl stated that the cost advantage is mostly comprised of front-end costs (mobilization of the equipment and labor force) and that it could result in significant cost savings. Commissioner Brooks asked after the construction starts what inconveniences could the neighborhood expect. Mr. Mittle stated that possibly because

of bedrock and difficulty in trenching temporary seals on the trenches prior to the installation of asphalt overlays would be the largest imposition. The time frame could be from ten days to several months, however, it is in the contractor's best interest to go quickly.

Mr. Steve Gibbs asked as a homeowner if input can be given on where to place the lines. Mr. Mittle stated that the contractors would work with them for a final location. Mr. Robert Burt of KLTv asked who will be contracted to do the interconnect from the water line to the house. Mr. Sheets stated that the homeowner is responsible for the interconnect, however, plans are being looked at to minimize the impact on the ratepayer. The plan is being developed and will be presented to the citizens in the near future. Mr. Sheets stated that if the KLWTD meets the March 1, 2003 deadline with the DEP then there will be community meetings set up to appoint street captains to contact and inform the residents. Mr. John Stone asked if the public input received would become part of the plan submitted to the DEP. Mr. Sheets stated that for the March 1, 2003 submittal there is not much flexibility but as the project progresses input on the critical issues would be addressed. Martha Richards asked if the vacuum containers would be in every yard and how big they are. Commissioner Brooks stated that no lift stations or vacuum pits would be on private property. Some properties may have 'candy canes' but they can be painted or otherwise decorated.

Robert Betancourt attended the pre-bid for the KLP and the preliminary review of Boyle's RFP was done. Comments on the plans and specification may require an addendum. Commissioner Bauman asked that with the time frame in place if the comments could be incorporated prior to the bids being received. Both engineers stated that they could.

Martha Richards, a resident of KLTv asked why there are two engineering firms represented. Chairman Tobin stated that Boyle Engineering was hired by the FKAa when the projects were under its jurisdiction. The KLWTD Board contracted with Gartek to insure there were check and balances of the work done by Boyle.

#### G. Action Items

1. Approval of Final Professional Consultant Services Agreement by and between KLWTD and Government Services Group, Inc. for management services

The item was tabled.

2. Approval of Final Professional Consultant Services Agreement by and between PRMG for rate consulting services

Mr. Sheets stated that PRMG would be retained to assist with the five-year proforma and cost estimates required in the grant agreement. It will also identify the local sources of funding. One scenario would treat the funds from the BOCC as a loan and

another would treat them as a grant. This would also confirm that an MSTU rate of .35 would be adequate. The contract has been executed by PRMG.

Discussion ensued on several points of the agreement. Commissioner Brooks asked for clarification on item (d) on page 4. Commissioner Wilkinson stated concern with incurring debt adding that if the money is not there don't do the project or scale down the project to the size of the budget. Commissioner Bauman stated that the agreement with PRMG is for running the numbers only not for implementing the plan. County Commissioner Nelson stated that the scenarios were run on maximum project costs and that they could come in less also, the dollar figure included for the land may be inflated, it is for 20 acres and the KLWTD would only be using 4 acres. Commissioner Nelson also expressed concern with the appearance of asking for an additional amount of approximately one million dollars. Commissioner Nelson stated that the BOCC is committed to make the project work along with the DEP, the DCA and the Governor. Mr. Sheets stated that he is in agreement with Commissioner Nelson but to date the requirement for the DEP is to include a commitment and the document provides funding that commits operations being covered for the next five years.

Discussion ensued on the effect that the appearance of a larger budget would have on the bidding process. Chairman Tobin concluded the discussion by saying that with the recent incorporation of the Board (November, 2002) and with the deadline of March 1, 2003 looming the staff and the Board is making great progress and should the bids come in over budget they could be rejected and reissued. CHAIRMAN TOBIN THEN RECESSED THE MEETING AT 5:31 PM. CHAIRMAN TOBIN RECONVENED THE MEETING AT 5:42 PM.

COMMISSIONER BAUMAN MOTIONED TO APPROVE THE CONTRACT WITH PRMG. COMMISSIONER WILKINSON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Approval and Execution of Final Professional Consultant Services Agreement by and between KLWTD and Gartek Engineering, Inc.

COMMISSIONER BROOKS MOTIONED TO APPROVE THE FINAL PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH GARTEK ENGINEERING, INC. FOR EXECUTION BY THE CHAIRMAN. COMMISSIONER BEATY SECONDED THE MOTION AND WITH NO FURTHER DISCUSSION ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Consideration and Approval of the Transition Interlocal Agreement

Discussion ensued on several points of the draft TIA. Consensus was reached on all major points and Legal Counsel would present the final version for consideration by the Board at the February 19, 2003 meeting.

H. Additions, Deletions or Corrections to the Agenda

This item was moved to earlier in the agenda.

## I. Committee Reports

Mr. Cris Beaty presented the KLWTD accounting books to the clerk who would forward them to David Miles of GSG the appointed CFO of the KLWTD.

## J. Commissioner's Items

1. Discussion regarding holding a vendors presentation meeting, requested by Chairman Tobin

This item was removed from the agenda.

2. Discussion and update on SFWMD funding, requested by Commissioner Brooks

This item was tabled.

3. Discussion regarding the Key Largo Park drawings, project manual and quantity take-off, requested by Commissioner Wilkinson

Commissioner Wilkinson asked why some business zones were not included in the service area for KLP. Mr. Mittle stated that a small business area is included in the Key Largo Trailer Village service area but some are excluded. Mr. Mittl would address the issue with Commissioner Wilkinson.

## K. Meeting Adjournment

Chairman Tobin adjourned the meeting at 8:36 PM.



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

**10:00 AM Wednesday, February 19, 2003**

**Westin Beach Resort  
97000 Overseas Highway South  
Key Largo, Monroe County, Florida**

## Commissioners Present

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

## Staff Present

Robert Sheets, General Manager  
Charles Fishburn, Engineer, Gartek Engineering  
Terry Lewis, Esq., Legal Counsel (via conference telephone)

## Guests Present

John Stone, Resident  
Burke Cannon, Resident

### A. Call to Order

Mr. Tobin Called the meeting to order at 10:07 AM

### B. Pledge of Allegiance

There was not an American flag present so the pledge was dispensed with.

### C. Action Items

1. Consideration and Approval of the Transition Interlocal Agreement (TIA) by and between the Key Largo Wastewater Treatment District, Monroe County and the Florida Keys Aqueduct Authority

Mr. Terry Lewis stated that per the TIA it is subject to approval by the County and FKAA if changes are made they must be brought back for consideration by the KLWTD Board.

Mr. Lewis stated that if all parties have been able to review the agreement it should be a motion to approve the TIA subject to approval of the FKAA and Monroe County.

KLWTD General Managers advised that the agreement articulates the Board's direction from the County.

Commissioner Bauman asked if the latest changes had been incorporated. Commissioner Brooks asked if the County responsibilities covered in paragraph A.2 had been removed. Mr. Lewis stated the changes had been incorporated.

Mr. Lewis stated that as an emergency meeting it was to be verified that a public notice had been published on Sunday and because this was an emergency meeting that advertising less than seven days was acceptable. The need for the KLWTD to approve the TIA to the BOCC's 4:00 PM meeting today required this meeting being called.

Mr. Lewis stated that if the TIA is approved by the KLWTD Board at this meeting ratification of the action is to be made at the February 26, 2003 Regular KLWTD Board meeting.

COMMISSIONER CHARLES BROOKS MADE THE MOTION TO ACCEPT THE FINAL TRANSITIONAL INTERLOCAL AGREEMENT SUBJECT TO APPROVAL BY THE FCAA AND MONROE BOARD OF COUNTY COMMISSIONERS. COMMISSIONER WILKINSON Seconded THE MOTION. ALL IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

Discussion ensued concerning the presentation of the TIA at the BOCC meeting. Mr. Lewis dropped off the telephone line at 10:41 AM.

Mr. Tobin recessed the meeting at 10:41.

Mr. Tobin reconvened the meeting at 10:46.

Discussion ensued concerning the presentation of the TIA at the BOCC meeting. It was decided by consensus of the Board that the Clerk would not attend the 4:00 PM meeting. The Clerk was to contact the Monroe BOCC Clerk to obtain a copy of their meeting minutes for the KLWTD records.

Commissioner Bauman excused himself at 11:15 AM and stated that he would be present at the 4:00 PM BOCC meeting.

The KLWTD Board drafted a tentative presentation to the BOCC.

John Stone a resident of Key Largo stated that the BOCC should be made aware that Key Largo is being double taxed if a MSTU is initiated because the residents already pay an assessment to the 304 funds.

The Chairman requested that the mandatory connection issue be added to the February 25, 2003 agenda.

**J. Meeting Adjournment**

**The meeting adjourned at 12:03 PM.**

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

**5:00 PM Monday, February 24, 2003**

**Key Largo Public Library  
Key Largo, Monroe County, Florida**

## **A. Call to Order – KLWTD Regular Meeting**

Chairman Tobin called the meeting to order at 7:30 PM.

## **B. Action Items**

There were no action items to be discussed.

## **C. Commissioner's Items**

There was a brief discussion of the Monroe County BOCC meeting and the changes that the County had requested on the Transitional Interlocal Agreement.

## **K. Meeting Adjournment**

The meeting adjourned 7:40 PM.