



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

**4:00 PM Wednesday, August 13, 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

Charles L. Sweat, Director of Operations, Government Services Group
David R. Miles, Chief Financial Officer, GSG/KLWTD
Amy Dukes, Legal Counsel, Lewis Longman & Walker, P.A. (via telephone-for the meeting only)
Faith Doyle, KLWTD Board Clerk

GUESTS PRESENT

Ed Castle, Weiler Engineering Corporation
Jeff Weiler, Weiler Engineering Corporation
Charles Fishburn, Key Largo resident
Burke Cannon, Key Largo resident
Michael Longenecker, Key Largo resident
Vicky Fay, Key Largo resident

A. Call to Order – Regular KLWTD Meeting

Chairman Tobin called the meeting to order at 4:05 p.m.

B. Additions, Deletions or Corrections to the Agenda

It was the consensus of the Board that the Clerk adds a public comment section to all future KLWTD Board of Commissioner meeting agendas.

Chairman Tobin requested that a presentation by Ms. Vicky Fay be added to the agenda immediately following the public input hearing.

Commissioner Wilkinson requested an additional discussion item concerning local legal counsel representation.

Commissioner Bauman requested an additional discussion item concerning web site services.

It was the consensus of the Board to add the items to the agenda.

C. Open Public Hearing to take public input on the Proposed KLWTD FY2004 Budget

Mr. David Miles opened the public hearing and stated that the final draft budget presented was a culmination of several reviews. Mr. Miles will provide the Board with a draft advertisement for publication at the August 27, 2003 meeting. The advertisement will state that the FY2004 Budget Resolution is to be considered by the Board at the September 17, 2003 meeting. Mr. Miles stated that the ad should run in a paper of daily general circulation in Monroe County and that the advertisement does not fall under T.R.I.M. provisions because the KLWTD does not have ad valorem taxes.

Mr. Miles asked if there were any members of the audience who wished to comment on the proposed FY2004 KLWTD Budget.

Commissioner Bauman asked what version of the budget would appear in the advertisement. Mr. Miles stated that the one-year summarization of operating and capital budgets is used to save advertising fees.

Commissioner Wilkinson asked if the rate consultant would be funded from the special projects line item. Mr. Miles stated that it could be and that there was originally a line item for a rate consultant, however the more general special projects lines gives a greater amount of flexibility.

Mr. Burke Cannon, a Key Largo resident, requested that the KLWTD Board keep expenses to a minimum.

Chairman Tobin asked for any further comments on the proposed FY2004 KLWTD Budget. Being none, Chairman Tobin closed the public hearing.

Commissioner Bauman requested that the Board see a proof of the advertisement at the August 27, 2003 meeting.

Commissioner Wilkinson requested that a copy of the agenda packet be provided to the public library. Discussion ensued. Chairman Tobin requested it be made a future agenda discussion item.

COMMISSIONER BROOKS MADE A MOTION TO APPROVE THE PROPOSED FY2004 BUDGET FOR ADVERTISEMENT FOR A PUBLIC HEARING ON SEPTEMBER 17, 2003. COMMISSIONER BAUMAN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

Chairman Tobin requested that the Clerk use the Key Largo Free Press for advertisements. Mr. Miles stated that he believes that legal ads must run in newspaper that possess the proper permit. Commissioner Wilkinson believes the Key Largo Free Press can be used for legal purposes. The Clerk stated that she had verified that the Key Largo Citizen was the newspaper of record for Monroe County. Chairman Tobin requested that further research be conducted. It was the Board's consensus that the Key Largo Free Press be used for advertising.

Ms. Vicky Fay, the KLVTV Owners Association Treasurer, provided information to the Board. Ms. Fay stated that she is the upper Key's representative for CDBG grants. Ms. Fay stated that the KLWTD should be cautious about when they turn on the sewer system in Key Largo because the timing, if wrong, would prevent the residents from obtaining funding. Ms. Fay described the CDBG program and provided details on the income levels and property ownership requirements. Ms. Fay provided information on how the Monroe BOCC had been distributing the funds. Ms. Fay believes that unless additional funding is secured the residents of Key Largo would not be able to participate in the CDBG program. Ms. Fay stated that the present Monroe County CDBG grant must be closed, with none of the funds going to Key Largo residents, for the KLWTD to apply for CDBG funds for Key Largo residents. Ms. Fay stated that the KLWTD Board should identify other grant sources.

Discussion ensued on the grants that should be looked at and if GSG should provide the Board with recommendations. Mr. Charles Sweat stated that the GSG would look into grant availability and provide the KLWTD Board with recommendations.

Commissioner Brooks questioned Ms. Fay on information that she had presented. Ms. Fay stated that Mr. Mark Bell of the Florida Department of Community Affairs had discussed the issue in depth with her and should would verify the information and provide the Board with an update in the future.

It was the consensus of the Board to have an update on the grant issues and funding options within the next 60 to 90 days.

Discussion ensued on the need for KLWTD to satisfy the date requirements for the DEP grant that it presently has the need for additional funding options and the need for the community to be informed of the issues. Chairman Tobin suggested that information be provided in a joint mailing with the KLVTV Homeowners Association. Mr. Sweat stated that a GSG representative would be attending the next KLVTV Homeowners Association meeting that would be held later in the year.

D. Close Public Hearing

Chairman Tobin closed the public hearing at 5:10 p.m.

Ms. Amy Dukes joined the meeting via telephone at 5:10 p.m.

E. Pledge of Allegiance

The pledge was recited.

F. Minutes – Draft July 9, 2003

The minutes were tabled until the next meeting.

G. Action Items

Mr. Charles L. Sweat presented action item number four out of order at the Board's request. Commissioner Brooks believed that no further discussion was necessary to ratify the changes of the approved contract. Discussion ensued.

Mr. Sweat stated that the insurance changes requested have been addressed and all changes requested by the Board had been made by staff, including a statutory revised to section 16.1 and he requested that the Board ratify the changes.

Ms. Dukes stated that with the removal of the article two the, the document and the table of contents should be corrected. Ms. Dukes stated that she and Terry Lewis had reviewed the document for legal sufficiency.

Commissioner Wilkinson requested revisions. A revision to section 1.8 concerning information being provided by an employee to a third party. Ms. Dukes stated that the public records law superseded the section. Ms. Dukes requested a revision to the contract reflecting the renumbering due to the deletion of article two. A revision to the contract section 5.3 on page 6 in reference to invoices was also requested.

Commissioner Brooks stated that it was a point of order the item being discussed was approved two weeks ago with the changes agreed to by WEC and they have been made and that it was out of order to review the document line by line and that either the changes be ratified as noted or the item be tabled. Chairman Tobin believes that further discussion was necessary prior to a vote on the item.

Commissioner Wilkinson stated that he wants the record to reflect that he is concerned with the items he is mentioning including the language in Article 13 stating that the KLWTD would own the documents created by WEC after the KLWTD pays WEC for them and not until KLWTD terminates the contract. Commissioner Wilkinson was also concerned with section 13.2. Discussion ensued on what the new language should be.

Commissioner Wilkinson expressed concern with section 12 and that the insurance amounts quoted were to low. Mr. Weiler stated that he had his insurance increased and provided a new certificate of insurance to the Board.

Commissioner Brooks expressed concern that the eight top ranked engineering firms had received the general contract as part of the CCNA process and that there would be negative repercussion to changing the document at this time. He again stated that the action requested was a ratification of the contract that had been presented and approved by the Board at the last meeting.

Commissioner Brooks asked Ms. Dukes if the same general contract that would be signed by WEC should be forwarded to the other engineering firms. Ms. Dukes stated that the same general contract would need to be sent to the other engineering firms. Ms. Dukes added that the contract should uniform unless there is a reason why a particular engineer couldn't comply with any of the provisions. Discussion ensued concerning the actions taken at the July 30, 2003 meeting and points of parliamentary procedure.

COMMISSIONER WILKINSON MADE A MOTION TO APPROVE SECTION 13.1 WITH THE STATED CORRECTIONS. COMMISSIONER BEATY MADE A SECOND TO THE MOTION. CHAIRMAN TOBIN CALLED FOR A VOTE. COMMISSIONERS BROOKS AND BAUMAN VOTED NO. COMMISSIONERS BEATY AND WILKINSON AND CHAIRMAN TOBIN VOTED YES.

COMMISSIONER BEATY MADE A MOTION TO APPROVE ITEM G-4 THE RATIFICATION OF THE REVISED AS APPROVED WEILER ENGINEERING CORPORATION CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES WITH THE AGREED TO CHANGES REQUESTED BY COMMISSIONER WILKINSON AND MS. DUKES AND AS AMENDED BY THE CHANGES TO SECTION 13. THE MOTION WAS SECONDED BY COMMISSIONER BAUMAN. CHAIRMAN TOBIN REQUESTED A ROLL CALL VOTE.

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

THE MOTION CARRIED.

Chairman Tobin recessed the meeting at 6:15 p.m.

Chairman Tobin reconvened the meeting at 6:20 p.m.

1. Approval of the advertisement for the KLWTD FY2004 Budget Resolution for adoption at the September 17, 2003 meeting

Please see above.

2. Approval of the REVISED KLWTD Work Authorization WEC 03-01 Scope of Services with Weiler Engineering Corporation for engineering services for the KLTV Project

Mr. Sweat stated that the changes requested by the Board at the last meeting had been made to the document and that the kick-off meeting had been scheduled

Chairman Tobin stated that at the last meeting the item was tabled for WEC to have an opportunity to make the changes requested and he had volunteered to go to Palm Beach to review the changes. Chairman Tobin did not have the opportunity to review the changes prior to the meeting. Chairman Tobin was aware that Mr. Terry Lewis had reviewed the document and suggested changes. Chairman Tobin stated that he and Ms. Dukes have concerns with items in the revised work authorizations.

The revisions were discussed. Commissioner Brooks stated that the changes had been reviewed and approved by Mr. Lewis, Mr. Sheets and Mr. Sweat and are in order. Chairman Tobin stated that because of the concerns expressed by himself, Commissioner Wilkinson and Ms. Dukes that action should not be taken on the work authorizations. Ms. Dukes agreed that there are issues that need to be addressed prior to action. Chairman Tobin's points of concern were discussed.

Commissioner Wilkinson expressed his concerns, which included the lack of a schedule, why the engineering was preparing the scope of service, the notice to proceed to Haskell, WEC being the engineer of record on the KLP project, Basic

Services section A. 2., Preliminary Design Phase section A. 5., Basic Services B., Final Design Phase A. 2., A. 3., A. 4., Final Design Phase section 10, 11, 12. a., 15 and section C also Exhibit B point A.5 and Exhibit C. Discussion ensued.

Chairman Tobin requested that Mr. Sweat ascertain the amount that Brown and Caldwell would be charging for Engineer of Record services on the KLP project.

Chairman Tobin expressed his concerns with item G 2, which included the removal of limitation of liability and clarification of the KLWTD receiving credit if inspection services were reduced and Basic Services section A. 2.

Chairman Tobin asked for public comment on the item. Mr. Mike Longenecker stated that the documents being considered by the KLWTD Board are standard "boiler plate" versions used all over the country and that the professionals working with the KLWTD are being prudent and are trying to not reinvent the wheel.

COMMISSIONER BAUMAN MOTIONED TO APPROVE ITEM G-2 APPROVAL OF THE REVISED KLWTD WORK AUTHORIZATION WEC 03-01 SCOPE OF SERVICES WITH WEILER ENGINEERING CORPORATION FOR ENGINEERING SERVICES FOR THE KLV PROJECT AS MODIFIED PER THE PREVIOUS DISCUSSION. COMMISSIONER BEATY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE WAS APPROVED UNANIMOUSLY.

COMMISSIONER BROOKS EXCUSED HIMSELF FROM THE MEETING AT 8:05 P.M.

3. Approval of the REVISED KLWTD Work Authorization WEC 03-02 Scope of Services with Weiler Engineering Corporation for engineering services for the KLP Project

Commissioner Wilkinson expressed concern with the subject of engineer of record, the status of valve pits from Haskell, the inclusion of Sunset Waterways Subdivision. Discussion ensued on the concerns.

Commissioner Bauman suggested the item be table until the kick off meeting was held. Discussion ensued.

COMMISSIONER BAUMAN MOTIONED TO APPROVE ITEM G-3 APPROVAL OF THE REVISED KLWTD WORK AUTHORIZATION WEC 03-02 SCOPE OF SERVICES WITH WEILER ENGINEERING CORPORATION FOR ENGINEERING SERVICES FOR THE KLP PROJECT AS MODIFIED PER THE PREVIOUS DISCUSSION. COMMISSIONER WILKINSON SECONDED THE MOTION. COMMISSIONERS BAUMAN, BEATY AND WILKINSON AND CHAIRMAN TOBIN WERE IN FAVOR. COMMISSIONER BROOKS WAS NOT PRESENT FOR THE VOTE. THE MOTION CARRIED.

4. Ratification of the revised as approved Weiler Engineering Corporation Contract for Consulting/Professional Services

Please see above.

5. Approval of Resolution 2003-18 KLWTD Revised Expenditure Policy

Mr. Miles stated that the changes suggested by the Board at the 7/30/03 meeting had been incorporated into the document presented.

Discussion ensued concerning the need for fidelity bonds, having the bonds coincide with the election years and the effective date of the bonds.

COMMISSIONER WILKINSON MADE A MOTION TO APPROVE RESOLUTION 2003-18 KLWTD REVISED EXPENDITURE POLICY. COMMISSIONER BAUMAN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

H. General Manager's Report

1. Interim Financial Reports through June 30, 2003

This item was moved to the next meeting.

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

The Manager had no new information on this item.

3. Status Report on the Revised Monroe County Loan Agreement

The Manager had no new information on this item.

I. Legal Counsel's Report

There was no legal counsel report given.

J. Commissioner's Items

1. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin
2. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin
3. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman

It was the consensus of the Board to add a discussion item for the August 27, 2003 meeting concerning the need for local legal counsel

COMMISSIONER BEATY MADE A MOTION TO TABLE COMMISSIONER'S ITEMS 1, 2 AND 3 UNTIL THE NEXT MEETING. COMMISSIONER BAUMAN SECONDED THE MOTION. ALL WERE IN FAVOR.

K. Meeting Adjournment

**COMMISSIONER BEATY MADE A MOTION TO ADJOURN THE MEETING.
COMMISSIONER BAUMAN SECONDED THE MOTION. ALL WERE IN FAVOR.**

CHAIRMAN TOBIN ADJOURNED THE MEETING AT 8:55 P.M.



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4:00 PM Wednesday, August 27, 2003
Key Largo Civic Club, 209 Ocean Bay Drive
Key Largo, Monroe County, Florida

Board Members Present

Andrew Tobin
Gary Bauman
Cris Beaty
Charles Brooks
Jerry Wilkinson

Staff Present

Charles L. Sweat, Director of Operations
Amy Dukes, Board Attorney (via telephone)
Jeff Weiler, KLWTD Engineer
Faith Doyle, KLWTD Board Clerk

Guests Present

Charles Fishburn

A. Call to Order

Acting Chair Jerry Wilkinson called the meeting to order at 4:04 p.m.

B. Pledge of Allegiance

The pledge was recited.

C. Public Comment

Acting Chair Wilkinson asked if any one present wished to address the Board. There being none the meeting continued.

D. Minutes – Draft July 9, 2003

Commissioner Brooks made a motion to approve the July 9, 2003 meeting minutes. Commissioner Beaty seconded the motion. All were in favor.

E. Additions, Deletions or Corrections to the Agenda

Commissioner Brooks requested that Item I-11 be added, concerning the project development team meeting held today in reference to the distribution and readiness to proceed on the \$100,000,000 grant to be dist by the South Florida Water Management District.

Commissioner Bauman requested that Item I-12 an engineering report be added.

Commissioner Beaty motioned to approve the agenda as amended. Commissioner Bauman seconded the motion. All were in favor.

Chairman Tobin joined the meeting in progress at 4:15 p.m. and requested that Mr. Wilkinson continue to act as chair.

F. Action Items

1. Ratification of the revised as approved Weiler Engineering Corporation Contract for Consulting/Professional Services

Ms. Amy Dukes noted that section 12.1 had been changed as requested by the Board and that the table of contents was corrected along with the indexing of the entire document.

Discussion ensued concerning the previously requested changes dealing with document ownership, payment requirements, liability insurance, the gag provision and provisions for a credit if WEC would not be engineer of record.

Commissioner Brooks asked for the record if Jeff Weiler was satisfied with the contract. Mr. Weiler answered in the affirmative. Commissioner Brooks asked if the scope of services was clear to Mr. Weiler. Mr. Weiler answered in the affirmative. Commissioner Brooks asked if Mr. Weiler believes the plans would provide a fully functional wastewater treatment system. Mr. Weiler stated that it was his intent to work with other engineers to provide a system that works and the contract meets all requirements of the Florida statutes. Commissioner Brooks asked if there were any stipulations within the contract that would restrict WEC from completing the work specified in the contract. Mr. Weiler stated no. Commissioner Brooks asked if WEC could complete the task for the amount specified in the work authorizations. Mr. Weiler answered in the affirmative and added that once Brown and Caldwell make their decision and once Mr. Fishburn's participation is considered the fee will be scaled back and adjusted down.

It was the consensus of the Board that any modification to the contract would be made by amendment. Legal Counsel informed the Board that this would be an acceptable procedure.

Acting Chairman Wilkinson asked if there was any further discussion on the item. With there being none Commissioner Bauman made a motion to approve Item F1 Ratification of the revised as approved Weiler Engineering Corporation Contract for Consulting/Professional Services. Commissioner Tobin made a second to the motion. Acting Chairman Wilkinson requested a roll call vote.

Commissioner Bauman

Yes

Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	NO

The motion carried with a vote of four in favor and one not in favor.

2. Ratification of the REVISED KLWTD Work Authorization WEC 03-01
Scope of Services with Weiler Engineering Corporation for engineering services for the KLTV Project

Acting Chair Wilkinson brought Item F2, WEC 03-01 to the floor. Mr. Sweat stated that at the previous meeting the Board had requested that the General Manager revise and modify the scope of service for the KLTV project work authorization. Staff believes that the document presented complies with the request.

Discussion ensued concerning the credit provision and when Brown and Caldwell would give a number.

Commissioner Tobin requested that at page 9-paragraph a. "resident project manager" have the last sentence read "with credit to the District for lesser service." Legal Counsel agreed that a hand written change and initials would be proper.

Acting Chair Wilkinson asked for further discussion. With none Commissioner Beaty motioned to approve Item F2. Commissioner Bauman seconded the motion for discussion. Commissioner Tobin questioned if the contract could be broken down into design and construction phases. Discussion ensued. Commissioner Tobin called the question. Acting Chair Wilkinson called for a roll call vote.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was unanimously approved.

3. Ratification of the REVISED KLWTD Work Authorization WEC 03-02
Scope of Services with Weiler Engineering Corporation for engineering services for the KLP Project

Acting Chair Wilkinson brought Item F3 to the floor and asked for discussion. Mr. Sweat stated that at the Board's request the work authorization had been revised and assumes that WEC would be the engineer of record until the negotiations with Brown and Caldwell and Haskell are completed.

Commissioner Brooks made a motion to approve the work authorization with the same additional language made to it as WEC 03-01. Commissioner Tobin stated that during contract negotiation with Haskell that a cooperation clause was

inserted. Commissioner Tobin believes one engineer for both projects would be best for the warranty of the project. Mr. Sweat stated that a recommendation would be made to the KLWTD Board on 9/17/03 after reviewing the cost given by Brown and Caldwell to be the engineer of record for both projects. Discussion ensued about the cost of having Brown and Caldwell as engineer of record, the ownership of documents and warranty issues. Mr. Sweat and Mr. Weiler agreed that after Brown and Caldwell provides their cost to be engineer of record and if it was the pleasure of the Board the WEC 03-01 work authorization would be amended to reduce the fee. Commissioner Tobin called his question. Commissioner Beaty seconded the motion. Acting Chair Wilkinson requested a roll call vote.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was unanimously approved.

4. Ratification of the revised advertisement for the KLWTD FY2004 Budget Resolution for adoption at the September 17, 2003 meeting

Acting Chair Wilkinson brought Item F4 to the floor. Mr. Sweat stated that the date of advertisement has changed from 9/12 to 9/5.

Commissioner Brooks motioned to approve Item F4. Commissioner Beaty seconded for discussion. He suggested that the amount of \$98,000.00 for commissioner's fees be itemized. Commissioner Bauman suggested that it be broken down into salary and district expenses. Mr. David Miles would be directed to make the requested change prior to publication. Discussion ensued concerning the newspaper to be used for legal advertising. Ms. Dukes stated that for special districts a paper that is published county wide, five days a week must be used for legal advertisements. The only paper that meets the requirement is the Key West Citizen. Advertising in any other papers is optional. Acting Chair Wilkinson requested a roll call vote.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was unanimously approved.

Discussion ensued concerning additional advertising in a local Key Largo publication. Commissioner Brooks made a motion to advertise in the Key West Citizen and in the Free Press with a cost not to exceed \$500. Commissioner Bauman would obtain pricing from the Free Press.

It was the consensus of the Board to advertise the budget in the Free Press only and give the legal public notice in the Key West Citizen.

5. Approval of the revised Monroe County Loan Agreement with KLWTD

Mr. Sweat noted that the original agreement was changed at point one. The correct date is October 15, 2003. Discussion ensued on the history of the changes that have been made to the loan agreement. Commissioner Brooks noted that any future negotiations should involve the County commissioner. Discussion ensued on the amount of \$182,000 that was forwarded to the FCAA.

Commissioner Brooks made a motion to continue the item until a later meeting. Chairman Tobin seconded the motion. All were in favor.

At 5:50 p.m. Discussion ensued concerning having legal counsel remain on line. Ms. Dukes was asked for a legal report. Ms. Dukes stated that most of her report was covered during the previous items. Ms. Dukes did request that the General Manager provide current updates on the \$914,000 loan agreement.

Acting Chair Wilkinson recessed the meeting at 5:54 p.m.

Acting Chair Wilkinson reconvened the meeting at 6:05 p.m.

Acting Chair Wilkinson stated that only a brief public notice the minimum to meet legal requirements need be published in the Key West Citizen. The Board gave its consensus.

6. Approval of Pending Payment List for August, 2003

Acting Chair Wilkinson brought Item F6 to the floor. Discussion ensued concerning the legal fees being charged.

Commissioner Brooks stated that a review of the legal bills would be time consuming. Commissioner Bauman asked if the bills were being itemized as requested. Commissioner Brooks stated that they are more defined but not complete enough to analysis how future legal fees could be reduced. Chairman Tobin noted that all contact with legal counsel should be directed by the general manager at a point where documents are close to finalized.

Commissioner Bauman made a motion to approve the Pending Payment List for August 2003. Commissioner Beaty seconded the motion. Chairman Tobin objects to legal counsel charging for review of the minutes. Commissioner Bauman stated that legal counsel should be given clear direction on their responsibilities. Chairman Tobin requested that the Lewis Longman and Walker invoice be held and authorized the general manager to discuss the invoice with legal counsel. Commissioner Bauman amended his motion to approve the Pending Payment List for August 2003 with the exclusion of the Lewis Longman and Walker bill. Acting Chair Wilkinson requested a roll call vote.

Commissioner Bauman Yes

Commissioner Beaty	Yes
Commissioner Brooks	Yes
Chairman Tobin	Yes
Acting Chair Wilkinson	Yes

The motion was approved unanimously.

Mr. Sweat stated that a recommendation on the legal counsel invoice would be provided at the next meeting.

G. General Manager's Report

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

Mr. Sweat stated that an update of the project schedule was distributed to the Board prior to the meeting and that after the upcoming meetings of the project team the document would be fine-tuned and a recommendation made to the Board concerning the engineer of record and the process to be used.

Discussion ensued about the number of days required by the contractor to inform the Board of the collection system that would be used. Mr. Sweat proposed that staff bring back a recommendation of either USBF / SBR and either Roovac / Airvac to the September 17, 2003 meeting. Mr. Jeff Weiler stated that time is of the essence and a deadline to make a decision should be set.

Mr. Sweat informed the Board that representatives of FEMA would like to meet with staff concerning the environmental site assessment during the week of 9/15. The KLWTD Chair was requested to attend also.

It was the consensus of the Board to move Item I-9 Discussion of Monroe County Ordinance 028-2003 concerning the Uniform Wastewater Connection Policy forward and include it with the Engineer's Report.

ENGINEER'S REPORT

Mr. Weiler stated that there would be daily reports by the inspector, GSG and WEC. These reports would be compiled into a monthly detailed summary and Ed Castle, as project manager would provide up dates.

Mr. Weiler stated that there would be a meeting in Miami on the 8th of September to review the 30% design. Discussion ensued on the distribution of engineering records to the staff and Commissioner Wilkinson as the Technical Committee Chairman. It was recommended that Commissioner Wilkinson be copied as soon as information is received by GSG and to have the documents forwarded to Commissioner Wilkinson at his home address and to WEC.

After discussion it was the consensus of the Board to have Commissioner Wilkinson attend the September 8, 2003 meeting in Miami.

Mr. Castle summarized the time line provided by the Haskell Company. The preliminary permit would be issued in November and by January 2004 the collection system permit would be issued. Line construction is anticipated to be complete in November 2004 and the treatment plant construction completed by May of 2005. Discussed ensued concerning other items in the report. Commissioner Wilkinson stated that the engineer must look at site mitigation and who will pay for it. It is his opinion that the Haskell Company should be responsible for it.

Mr. Castle stated that along with GSG, FDEP and Boyle Engineering he is attempting to gather all the engineering records to be kept in one place.

Mr. Weiler stated that concerning the Uniform Connection Policy for Monroe County they had been involved in the drafting of the document presented. He stated that the KLWTD could not over ride the County ordinance code. Commissioner Bauman asked if Mr. Weiler agreed with the ordinance and if anything could be done to change it. Mr. Weiler stated that he agreed with all but section 3.1. Discussion ensued and Mr. Weiler was requested to provide copies of the ordinance for the Board.

Chairman Tobin stated concern that the County Ordinance was passed without the consultation of other impacted entities. The Board requested that Mr. Sweat review the ordinance and give a recommendation at a future meeting. Discussion ensued on specific problems with the ordinance. The Board requested that an ordinance be drafted by staff for the KLWTD to adopt connection standards as soon as possible. WEC would provide the standards to the KLWTD.

H. Legal Counsel's Report

There was no legal counsel report.

I. Commissioner's Items

1. Discussion for possible action concerning contracting with local legal counsel – Commissioner Wilkinson

Acting Chair Wilkinson stated that he has contacted several lawyers with one response from Dirk Smits. Acting Chair Wilkinson wants to have legal counsel represented at the meeting and believes that all the KLWTD Commissioners should be able to contact legal counsel when necessary. Acting Chair Wilkinson entertained a motion to interview Mr. Smits as soon as possible. Commissioner Wilkinson would like to retain Lewis Longman and Walker on a special retainer. Discussion ensued. Chairman Tobin doesn't want to pursue this issue until he has a discussion with Lewis Longman and Walker, but at some point in time the Board should have local legal representation. Discussion ensued and the Board concurred that local legal representation at a reasonable rate is desired and should be pursued. Discussion ensued concerning the other staff members that are not local and the need to have all meetings concerning the KLWTD held in Key Largo.

Commissioner Brooks motioned to begin the process of procuring local legal representation and that each Board member is to contact a local attorney and that

notice is given that the KLWTD is looking for general counsel with a preference that the attorney be based in the upper keys. Acting Chair Wilkinson seconded the motion for discussion, requesting that staff draft a letter of solicitation for response and a process for evaluation to be presented at the 9/3/03 meeting. A roll call vote was requested.

Commissioner Bauman	Yes
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Chairman Tobin	No
Acting Chair Wilkinson	Yes

The motion carried with a vote of four in favor and one not in favor.

2. Discussion of Commissioner Wilkinson's email of Monday, August 18, 2003
3. Discussion of web site services – Commissioner Bauman
4. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin
5. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin
6. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman
7. Discussion on KLWTD physical public records location – Commissioner Brooks

It was the consensus of the Items 1 2-7 be tabled until a future meeting.

8. Discussion of a procedure for the adoption of contracts – Chairman Tobin

Chairman Tobin stated that the list presented was a suggested procedure. Commissioners Bauman and Beaty agree with the process. Commissioners Brooks and Wilkinson believe the procedure should be made part of an administrative procedure that should be drafted with the assistance of legal counsel.

Chairman Tobin motioned that a draft procedure be done by staff and brought back for consideration at the 9/3/03 meeting. The motion failed due to lack of a second.

Commissioner Bauman motioned that staff review the preliminary procedures suggested by Wilkinson and Tobin for discussion at the next meeting. Chairman Tobin seconded the motion. A roll call vote was requested.

Commissioner Bauman	Yes
Commissioner Beaty	Yes

**Commissioner Brooks
Chairman Tobin
Acting Chair Wilkinson**

**Yes
Yes
Yes**

The motion was unanimously approved.

9. Discussion of Monroe County Ordinance 028-2003 concerning the Uniform Wastewater Connection Policy – Commissioner Bauman

See above under the engineer's report.

10. Discussion of the \$100,000 loan/grant – Commissioner Wilkinson

L. Meeting Adjournment

Commissioner Beaty made a motion to adjourn. Commissioner Brooks seconded the motion. All were in favor and Acting Chair Wilkinson adjourned the meeting at 8:55 P.M.