



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

**5:00 PM Wednesday, December 17, 2003  
Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, Monroe County, Florida**

## **Board Members Present**

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

## **Staff Present**

Robert E. Sheets, General Manager  
David Miles, CFO (joined the meeting in progress at 5:35 p.m.)  
Thomas Dillon, Board Attorney  
Ed Castle, Board Engineer  
Cindy Carly, Interim Board Clerk

## **Guests Present**

Nos Espat, Randazza Inc.  
Robert E. Burt, KLTV  
Steve Gibbs, Reporter Free Press  
Vicky Faye, KLTV  
Chuck Fishburn, GSG  
Burke Cannon, KLFHA

### A. Call to Order

Chairman Bauman called the meeting to order at 5:02 p.m.

### B. Pledge of Allegiance

The pledge was recited.

### C. Additions, Deletions or Corrections to the Regular Agenda

Ms. Cindy Carley was introduced as the interim clerk during Ms. Doyle's absence.

The Chair added items I - 5 and I - 6.

#### D. Public Comment

No one wished to address the Board.

#### E. Action Items

##### 1. Approval of Pending Payment List

The item was tabled until after Action Item 2.

##### 2. Approval of the TIB Loan Documents

**Mr. Brooks moved to approve the documents. Mr. Beaty seconded the motion. After discussion and clarification of the use of the funds the motion was approved unanimously.**

Item E1, Approval of the Pending Payment List was brought to the floor. Mr. Tobin requested detailed billing information on consultants bills for the last sixty days. Mr. Sheets stated that he would provide it and would have a column added to the list Capital versus Operating Budget expenses. Discussion on funding the payment continued. The item was then tabled until Mr. Miles' arrival.

##### 3. Approval of the KLWTD Board Meeting Schedule for 2004

**Mr. Brooks moved to approve the schedule with the following changes, moving the January 21<sup>st</sup> meeting to the 14th at 4:00 p.m. with the first item being a workshop meeting. Mr. Wilkinson seconded the motion. All were in favor and the motion was unanimously approved.**

Item E1, Approval of the Pending Payment List was brought to the floor. Discussion continued. Commissioner Tobin requested that the three main projects have individual columns, Operating, Park and Village. Mr. Miles stated for the record that all TIB funds would only be used for administrative expenses. Commissioner Brooks requested a report on the FKAA expenditures and what FEMA 1 funds remain. Commissioner Beaty motioned to approve the list and Commissioner Wilkinson seconded the motion. After further discussion four payments to GSG were removed from the list until documentation was provided and reviewed. FKAA would be contacted for reimbursable expenses as soon as possible. The motion was amended and seconded. With no further discussion all were in favor and the motion was unanimously approved.

#### F. General Manager's Report

##### 1. Review of the County Grant Reimbursement Financial Records and Presentation of the List of KLWTD Financial Files

The information provided was reviewed. An inventory of the information was provided and it was reported that the Mull and Associates had started the audit.

2. Status Report on the KLWTD Transition Plan

Mr. Sheets outlined the planned schedule for the January 7<sup>th</sup> meeting. Mr. Dillon explained his reasoning for leaving some specific dates on the report undefined.

3. Interim Financial Statements as of November 30, 2003.

Mr. Miles presented the information provided. The Board requested a review of the reports provided so that they could be updated to a format that meets the Boards needs.

4. Response letters to the Engineering CCNA

Discussion ensued on the delay in forwarding replies to the seven remaining engineering firms.

G. Legal Counsel's Report

1. Report on Sunshine Law and Informal Responses

Commissioners Brooks and Tobin requested that this item be brought back as an action item at the next meeting.

2. Report on the Draft Interlocal Agreement Between KLWTD and Monroe County Concerning the Distribution of MSTU Funds

Mr. Dillon stated that the BOCC approved the agreement on December 17, 2003 which makes about \$110,000 available for reimbursement within the next few days.

Mr. Dillon noted that there needs to be an amendment to the enabling legislation to allow certain expenses to be reimbursed from County funds. This legislation is intended to accomplish two purposes; (1) to provide that the district is authorized to expend all funds received from any source for any lawful purpose unless such expenditure is prohibited by express terms of the grant under which such funds were received; and (2) to provide that in the case of a vacancy on the Board, the remaining members may appoint a person to fill the vacancy until the next general election, and the replacement will serve out the remaining term of the person whose position has become vacant.

**Commissioner Tobin moved to approve the draft an amendment to the enabling legislation. Commissioner Brooks seconded the motion. Chairman Bauman requested a roll call vote.**

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

**The motion carried.**

**Chairman Bauman and Commissioner Tobin requested that item, amendment to the enabling legislation be placed as an action item on the next agenda.**

3. Report on the Monroe County Land Transfer

Mr. Dillon stated that no Board action is required on this item and that the BOCC approved the transfer today.

4. Report on the Randazza Warranty

Mr. Nos Espat addressed the Board. Mr. Dillon noted that the original document has been corrected to include a \$75,000 deposit and the warranty would be for 2 years.

5. Report on The Haskell Company's Performance Bond

Mr. Dillon stated that the performance bond has been received.

There was lengthy discussion on testing standards.

H. Engineer's Report for the Period Ending December 9, 2003

Mr. Castle presented the information provided. Mr. Castle stated that he would like to make a Calusa Camp Resort power point presentation at the January 7<sup>th</sup> meeting. The presentation would demonstrate the cost variations. The Board agreed this would be valuable.

Commissioner Tobin requested that item I-3 be moved ahead because it is necessary for him to leave the meeting early.

Item I-3, Discussion on Bonding Future Projects with the \$2700 Impact Recovery Fee as proposed by Monroe County and the DCA. Discussion ensued on the financial implications of the proposed Calusa project. Commissioner Brooks noted that Mayor Nelson had requested that the KLWTD commit to use the \$2700 impact recovery fees collected for future projects.

All other items on the agenda were tabled until the next meeting.

Commissioner Beaty moved to adjourn the meeting. Commissioner Brooks seconded the motion.

Chairman Bauman adjourned the meeting at 9:15 p.m.