

MINUTES

Key Largo Wastewater Treatment District (KLWTD) Board of Commisisoners Meeting

January 19, 2005
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on January 19, 2005 at 5:05 PM. Present were Chairman Charles Brooks, Commissioners, Andrew Tobin, Claude Bullock, Gary Bauman, and Glenn Patton. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, Finance Officer Martin Waits, and all appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda. Item 9, Rate Study, will be time specific to 6:30 PM; under Commissioner Items the website update, Federal funding update, current news articles and the BOCC meeting of 1.19.05 were added.

Motion: Commissioner Patton made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

MINUTES

Motion: Commissioner Patton made a motion to approve the Minutes of January 5, 2005. The motion was seconded by Commissioner Bullock.

MINUTES

of the Board of Directors of the [Company Name]

Meeting No.	
Date	January 19, 1993
Time	10:00 AM
Place	Board Room

The Board of Directors met on the above date for a regular meeting at 10:00 AM in the Board Room. Present were: [List of Directors]. Absent were: [List of Absent Directors]. The meeting was called to order by the Chairman, [Name].

The minutes of the meeting held on [Date] were read and approved. The Chairman reported on the activities of the Board since the last meeting. The Board then considered and approved the following resolutions:

- [Resolution 1]
- [Resolution 2]
- [Resolution 3]

Item	Resolved	Carried	By
[Item 1]			
[Item 2]			
[Item 3]			
[Item 4]			
[Item 5]			
[Item 6]			

The meeting adjourned at [Time].

Witness my hand and the seal of the Company this [Date] day of [Month], 1993.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

PUBLIC COMMENT: The following persons addressed the Commission: None

FINANCIAL OFFICER'S REPORT

Pending Payments

Financial Officer Martin Waits presented the pending payments schedule for January 19, 2005.

Motion: Commissioner Patton made a motion to approve the pending payments list subject to the availability of the funds for January 19, 2005. Commissioner Bauman made the second.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin		X	
Chairman Charles Brooks	X		

Motion passed 4 to 1

Commissioner Tobin stated that the reason he was voting against the approval was because there was no supporting documentation for the payment to the auditor.

2004 CAFR

Mr. Waits presented the CAFR information and asked the Commission to review the material and contact him with any concerns or suggestions.

... ..

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Commissioner Andrew Tobin	X		
Chairman Brooks Charles Brooks	X		

Motion passed 5 to 0

GENERAL MANAGER'S REPORT

Key Largo Park Update

District Counsel Thomas Dillon explained the District could procure substitute services without competition for two reasons: (1) Section 255 of the Florida Statutes allow procurement of substitute contractors without competition, and (2) Section 189 of the Florida Statutes allows special districts to procure services without competition if the special district finds that non-competitive procurement is in the best interests of the district. Mr. Dillon said that he believed both of these conditions to be satisfied. He suggested that the District asked for sealed proposals that will be firm for at least sixty days. He has drafted a letter to Higgins based on his understanding of what Higgins did in the letter to the District on January 6, 2005. The letter will let the District exercise their option to take over the work.

Motion: Commissioner Bauman made a motion to have Staff take steps to terminate the D. N. Higgins contract by sending out the letter saying that they are in default. The motion was seconded by Commissioner Tobin.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

RATE STUDY

Tony Hairston of PRMG called in by speaker phone to explain the proposal that PRMG had sent in.

Discussion with Mr. Hairston and the Board ensued.

1	2	3	4
		X	
		X	

The following table shows the results of the analysis of the data collected during the study. The table is organized into four columns, representing different categories of data. The first column contains the identification numbers of the subjects, the second column contains the scores on the first test, the third column contains the scores on the second test, and the fourth column contains the scores on the third test. The data shows that the scores on the first test were generally higher than the scores on the second and third tests. This suggests that the subjects were more familiar with the material presented in the first test. The results also indicate that there was a significant difference in the scores between the two groups of subjects. The subjects in the first group scored significantly higher than the subjects in the second group on all three tests. This suggests that the first group had a higher level of understanding and knowledge of the material than the second group.

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1	2	3	4
		X	
		X	
		X	
		X	
		X	
		X	
		X	

The following table shows the results of the analysis of the data collected during the study. The table is organized into four columns, representing different categories of data. The first column contains the identification numbers of the subjects, the second column contains the scores on the first test, the third column contains the scores on the second test, and the fourth column contains the scores on the third test. The data shows that the scores on the first test were generally higher than the scores on the second and third tests. This suggests that the subjects were more familiar with the material presented in the first test. The results also indicate that there was a significant difference in the scores between the two groups of subjects. The subjects in the first group scored significantly higher than the subjects in the second group on all three tests. This suggests that the first group had a higher level of understanding and knowledge of the material than the second group.

Operating Budget Report

Financial Officer Martin Waits presented the current operating budget report.

KLWTD
BOARD
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Discussion of DCA Cesspits Grant Funds provided in the Inter-local Agreement

Mr. Waits explained that Mr. Garrett of the Monroe County Department of Marine Resources is working on changing the wording in the inter-local agreement for clarification.

District Counsel Thomas Dillon explained that the description of covered items (cesspits vs. illegal and inadequate onsite sewage treatment and disposal systems (OSTD's)) and the identification of the cesspits are the critical issues of the interpretation of the wording in the inter-local agreement, and amendment may be required in order to allow funds to be made available prior to decommissioning of OSTD's.

LEGAL COUNSEL REPORT

Mr. Dillon stated that the Loan Agreement pursuant to the Inter-Local Agreement effective February 26, 2003 is being sent to the County for execution.

ENGINEERS REPORT

Key Largo Trailer Village Project Update

Ed Castle, District Engineer, reported that the Key Largo Trailer Village Project has switched from Roovac to Airvac. The Vacuum System Pit is being worked on at the Treatment Plant site.

Lake Surprise / Sexton Cove RFQ

General Manager Charles Fishburn requested that the Board approve a request from him to send out a scope of work and a request to the eight engineers that are currently under contract with the District to update their SOQs. He will then review the returns and submit a recommendation to the Board on an engineering firm for the Lake Surprise/Sexton Cove Project.

Joe Paterniti of Brown and Caldwell addressed the Board and stated that he had hoped to receive a package for the Lake Surprise/Sexton Cove RFQ.

Motion: Commissioner Tobin made a motion to have Staff send out the SOQ's to the eight engineering firms that are currently under contract with the District and to have the General Manager start the recommendation process. The motion was seconded by Commissioner Bauman.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		

Discussion on the policy and rules for Commissioners participation by phone at meetings.

Board decided to allow telephonic participation at a Board meeting as long as a quorum is present and there are extenuating circumstances.

Discussion on a policy for approval on all public notices before they are released.

Commissioner Bauman withdrew this item

Website Update.

Commissioner Patton asked if any Board Member had a problem with the information that had been supplied to them. Since no one had an objection to the material Commissioner Patton will proceed to place the information on the website.

Federal Funding Update

Chairman Brooks reported on the Project Development Team meeting, which is a congressional body that has been set up by Congress that has gone through the Florida Keys Water Quality Improvement Act. Chairman Brooks is the liaison to the Project Development Team which makes selections on how the Federal money is distributed. He reported that the KLWTD is supposed to receive \$500,000 which should be distributed to the District before the physical year expires. This was decided by consensus of the Project Development Team. A draft agreement has been draw up that will allow the District to draw on the appropriated money as it comes down the pike. There will be \$100,000,000 given to Monroe County after the Army Corp of Engineers expenses have been deducted.

Chairman Brooks stated that he would like the KLWTD Board to ratify the amount of \$500,000 to be portioned out for the two years to show that the Board is behind receiving the \$500,000 this year.

Commissioner Tobin requested that the item be brought back to the next meeting as an action item.

Commissioner Bauman stated that he would vote against accepting the \$500,000 at this point because he thinks that the money should go to a bigger a project, to someone who could use the whole \$2.5 million to do a complete project. Getting \$200,000 this year and \$200,000 next year and the year after does not get the District going.

Commissioner Patton stated that the item should be an action item and fully discussed.

Chairman Brooks explained that the Board may discuss the issue but the Project Development Team has already made the decision. He will put the item on the next agenda as an action item. Chairman Brooks also stated that he will not be pleased if the Board does not back up the decision made by the Project Development Team where all of the entities are represented. The Team has been working on the project since 1997.

Commissioner Bauman stated that it does not matter how long it has been work on, what matters is if it is the right thing to do at this point in time.

2. In the event of a change of control of the Company, the Board of Directors shall have the authority to take such actions as may be necessary to protect the interests of the Company and its shareholders.

3. The Board of Directors shall have the authority to enter into such agreements, contracts, or arrangements as may be necessary to carry out the business of the Company.

4. The Board of Directors shall have the authority to make such amendments to the Charter as may be necessary to carry out the business of the Company.

5. The Board of Directors shall have the authority to make such amendments to the Bylaws as may be necessary to carry out the business of the Company.

6. The Board of Directors shall have the authority to make such amendments to the Articles of Incorporation as may be necessary to carry out the business of the Company.

7. The Board of Directors shall have the authority to make such amendments to the Certificate of Incorporation as may be necessary to carry out the business of the Company.

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12. The Board of Directors shall have the authority to make such amendments to the Certificate of Incorporation as may be necessary to carry out the business of the Company.

Commissioner Patton stated that eventually for budgetary purposes the District is going to need \$25,000 of rate study analysis work from some rate study company and since the contract with PRMG can be terminated at any time he thinks that the District should approve PRMG for the entire \$25,000.

Motion: Commissioner Bauman made a motion to approve a contract with PRMG for \$25,000 for Rate Study work with the following conditions in the contract:

1. Method of invoicing will be detailed billing.
2. Economy of scale.
3. The model computer program will be furnished to the District to work with.
4. Phase one will be the Letter to the County and Phase two the full report and they should not be worked on simultaneously.

Commissioner Tobin seconded the motion.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

Chairman Brooks stated that the District will also establish a Wastewater Rules Committee consisting of Commissioner Patton, General Manager Charles Fishburn, District Counsel Thomas Dillon and District Engineer Ed Castle to revise the FKAA Policies and come up with a draft of policy and rules for the KLWTD.

COMMISSIONER'S ITEMS

Sexton Cove RFQ cost for County Reimbursements.

Commissioner Bauman reported that he had been in contact with Monroe County Commissioner Nelson regarding the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project. Commissioner Nelson is planning on taking the request to the County Commission next time it meets in Key Largo. Chairman Brooks reported that Commissioner Nelson had requested of him in a conversation that they had had, that the Board send a formal request to him to bring to the County Commissioner.

The Board directed Staff to draft a resolution requesting the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project.

Chairman Brooks said that Commissioner Bauman must then disagree with the rest of the County.

ADJOURNMENT

After a motion to adjourn by Chairman Brooks and a second by Commissioner Tobin the Board adjourned the meeting at 9:21 PM.

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The KLWTD meeting minutes of January 19, 2005 were approved on February 16, 2005.



Chairman Charles Brooks



Carol Simpkins, CMC
Board Clerk

THE UNIVERSITY OF MICHIGAN LIBRARIES

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John L. ...

