

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

March 2, 2005  
 Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on March 2, 2005 at 5:05 PM. Present were Chairman Charles Brooks, Commissioners, Claude Bullock, Gary Bauman, Andrew Tobin, and Glenn Patton. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all other appropriate District staff.

Commissioner Bullock led the Pledge of Allegiance.

**ADDITIONS/DELETIONS TO THE AGENDA.**

The following changes were made to the agenda: Under Commissioner Items: Commissioner Tobin added a discussion about passing resolutions in the cases of problems with contractors, Commissioner Patton added a discussion about the Rules & Regulations, and Chairman Brooks added a discussion about the placement of vacuum pits in the Key Largo Trailer Village. General Manager Charles Fishburn withdrew items nine and ten under his business.

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

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

**APPROVAL OF MINUTES**

**Motion: Commissioner Bullock made a motion to approve the minutes of the February 16, 2005 minutes. The motion was seconded by Commissioner Patton.**

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: Amy Fountain, Fountain Engineering, Inc. Robert Burt, 219 Allen Ave, and Ion Daragiu, 52 Ave B. The concern expressed was that some property owners are having to pay extra footage for digging ditches to the laterals because they are not being put in front of the property owners sewer tie ins. District Engineer Ed Castle explained that it will only be possible to accommodate several of the six property owners tying into a pit. The other two tie ins cannot be moved. Mr. Castle also explained that the connection to the laterals must be done correctly to properly maintain the system in the future. Chairman Brooks explained that the plans had been reviewed and approved at open meetings in Key Largo. After discussion by the Board staff was directed to send out letters to the property owners explaining the “spider effect” of the pits and what problems are arising from it. Staff and the contractors will try and work out the location of the laterals in the field in relationship to the best possible place for the property owner where possible.

There was discussion about the safety of the construction area in the Key Largo Trailer Village and the lack of consideration to the residents by the workers. Amy Fountain assured everyone that the workers would be talked to about their consideration to the residents. Mr. Fishburn said that Staff would follow up on the safety issues with the contractor.

The issue of road dust was discussed by the Board. It was pointed out that the streets were suppose to be cold patched and at this point in time, only the street crossings have been cold patched. The contractor said that he will pave the street crossings on US 1 in the upcoming week and that after the pits are put in the streets will be paved. Chairman Brooks stated that the purpose of the cold patch is to cover the period of time between the trenching and the pits being put in and it is not being done. Freddie Fountain, contractor, said that he will look into it.

## **COMMISSIONER'S ITEMS**

*Discussion of options in finding new rational ways to divide Federal grant monies among Keys Governments.*

The following is a review of Commissioner Bauman's opinion of a more rational approach as to how the grant monies in Monroe County should be divided:

1. Have the appropriate elected officials met using the Monroe County Master Plan as their guide.
2. Chose the highest hot spot where the number of EDU's times the cost per EDU is less than or equal to the available grant money.
3. If money is left over repeat #2 until all the money is allocated.
4. If there is not enough money for the highest hot spot and that government will make up the difference, then they receive the grant money. Otherwise, move to the next highest hot spot.
5. Vote to ratify and take the decision back for approval by the individual government boards.

Commissioner Bauman stated that the Master Plan is not being used in Monroe County at all. He feels that the District should talk to Islamorada and Marathon and have them agree with using the Master Plan also. Commissioners Bullock, Tobin and Patton agreed with Commissioner Bauman.

Commissioner Tobin suggested that after the Board passes a resolution a draft resolution be taken to the Manager's of Islamorada and Marathon and they be asked to present it to their Boards for their approval with a representative from the KLWTD Board present.

Chairman Brooks stated that the third party that would present the draft resolution to the other municipalities was the Inter-Governmental Task force and the Project Management Team. Chairman Brooks reminded the Board that the one criterion that has always been is that the money is not going to be put out until a project is ready and there is a readiness to proceed which will move the money to the project that will go first. This overrides the priority list. For example Layton had a change of Commission and they went out and got a project ready.

Chairman Brooks asked Commissioner Bauman what monies he is referring to. Commissioner Bauman explained that he is talking about what ever money comes to the County. Chairman Brooks explained that the big hassle with getting grant money is that an entity has to say they have a project that is ready and has been designed and a contract is ready to be signed. Commissioner Bauman said that the Chairman was making a good point and that he has added readiness to his proposal. Chairman Brooks said that the factor in that process is that if you do not know how much money you are going to get and you do not have any money to do the engineering for the design it does not all come together. That has been the struggle all along. Chairman Brooks explained that it has always been that the money is coming so let's take the philosophy that we will take what ever comes as one lump sum and put it into one project. Now the other entities that back off have no guaranties that they are ever going to see any further money. That is were the

political battle is going to be lost because everyone is going to want their share. He feels that the money will have to be definite to get the agreement with everyone. Chairman Brooks agreed with Commissioner Bauman that since the County is being sewerred to improve nutrient loading then the money should go to the highest priority.

Commissioner Bullock asked that if State money is approved does it have to go through the County. Chairman Brooks said that there is a formula in the PMP that covers the division of Federal Money. Commissioner Bauman said that the State money was given to the County to allocate.

Commissioner Bauman stated that he is looking for the major government agencies (KLWTD, Islamorada and Marathon) to adopt something that corresponds to the Master Plan so that the State and Federal legislation knows that the major government agencies already have a process to allocate monies across Monroe County.

Chairman Brooks explained that when the Inter-Governmental Task Force and the Project Development Team were put together a formula was set up for State and Federal Money. Murray Nelson and Ken Sorenson are the ones who said we have the money and they are going to say where it goes. Basically there is a 35% local requirement in the Federal Money. This will cause a situation where entity A is going to get \$5 million of State money, entity B gets x dollars of Federal money but has no local match and no one else has any more money so no one gets the Federal money because no one has the 35% match. This should have been coordinated when the State money first came down for the 35% local match. Chairman Brooks reported that on page 34 section 3 there is a matrix in the PDP. The formulas have been endorsed by all of the Mayors and ratified by the BOCC no less than three times. It covers the issues that Commissioner Bauman has been alluding to. Chairman Brooks stated that he is behind following the Master Plan 100%. He feels like the County has spent 2.2 million dollars on the Master Plan and not done anything with it.

Commissioner Bauman stated all Mr. Sorenson has to do is put in the Legislator that the money is to be given to the County and that is the end of Chairman Brooks's group.

Commissioner Tobin suggested that since the District is trying to establish using the Master Plan maybe the District should be trying to change the PDP also.

Chairman Brooks stated that he has gone from trying to cooperate and be part of the rest of the County to wanting to see the District start looking individually for more lucrative funding mechanisms. Apparently part of the equation is that the Key Largo Wastewater Treatment District is a lower entity that does not need the attention of the cities or unincorporated Monroe County. He does not feel that the PDP should be changed because an agreement is about to be signed that says if any Federal Money comes from that particular bill then the District will get 29%.

Chairman Brooks stated that he can not support any process that would kill the process that is in place now that would give the District the \$29 million.

Commissioner Bauman stated that if he would exclude the \$100 million in his process it would be counter productive. Commissioner Bauman will work with the District Counsel and bring back a resolution in two weeks.

*Rules and Regulations*

Commissioner Patton introduced the draft of the Rules. District Counsel Thomas Dillon asked that the Board review the Rules and Regulations and bring back a priority list to the next meeting on what they each see as the most important items to address. He explained that the most important articles to review are 5, 6, 7, and 9. After Board discussion it was decided that a workshop would be set at a later date.

*Resolution of discontent*

Commissioner Tobin explained that he is very concerned that the Haskell Company is not performing as they said they would in presentations to the Board. He would like a resolution set in place to be used in cases where there are issues that have not be resolved and the Board needs to handle the issue with the contractor. Commissioner Tobin further explained that when the General Manager writes a letter to a contractor it is a business letter but when the Board approves a resolution it is a political expression. Not every issue should be elevated to a formal demand but when issues come before the Board there should be an expression from the political entity that is taking input from the public as a motivating factor. Board discussion ensued. In conclusion the Board decided to let the Staff handle issues and then if the General Manager does not get the issue resolved he should bring it to the Board for action.

**FINANCIAL OFFICER’S REPORT**

*Pending Payments List*

Financial Officer Martin Waits presented the pending payment list for March 2, 2005.

**Motion: Commissioner Bauman made a motion to approve the pending payments list for March 2, 2005 subject to the availability of funds. 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

*Project Funding Status Report on the Key Largo Trailer Village & the Key Largo Park*  
 Mr. Waits gave his monthly update on the funding sources of KLTV and KLP.

*TIB \$150,000 Line of Credit*

Financial Officer Martin Waits explained that TIB bank had requested that the District close the Line of Credit since it is not being used.

**Motion: Commissioner Tobin made a motion to approve the request to close the \$150,000 Line of Credit with TIB Bank. 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

*New NOW Account*

Mr. Waits explained that the District expects to receive County matching funds in the full amount of the FEMA Phase II grant. These funds will be deposited into the new account. Funds will be transferred from the new account into the General Account in amounts identical to State matching funds received. This will facilitate auditing and earn interest for the District.

**Motion: Commissioner Patton made a motion to approve the request to open a new NOW checking account with TIB Bank. 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		
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Motion passed 5 to 0

*County Bond Team*

Mr. Waits reviewed the Monroe County Financing Team participants that work on the Infrastructure Bonds.

**LEGAL COUNSEL REPORT**

District Counsel Thomas Dillon reported that he has received the draft inter-local from Monroe County. He is also working with Sharon Lamberson from Monroe County who is representing the Property Appraisers Office and the Tax Collectors Office. They are working on laying the ground work for imposing the non-ad valorem tax if and when needed. He will also be reviewing the District's need for a Bond Counsel and Legal Advisor in relationship to bonding issues and will report back to the Board at a future date.

**ENGINEERS REPORT**

Ed Castle, District Engineer, reviewed his monthly status report on all of the District's projects.

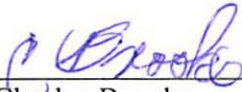
**GENERAL MANAGER'S REPORT**

General Manager Charles Fishburn pulled his items from the agenda.

**ADJOURNMENT**

After a motion to adjourn by Commissioner Patton and a second by Commissioner Bullock the Board adjourned the meeting at 8:39 PM.

The KLWTD meeting minutes of March 2, 2005 were approved on March 16, 2005.



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Chairman Charles Brooks



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Carol Simpkins, CMC  
Board Clerk



**PUBLIC HEARINGS**

**PUBLIC NOTICE OF THE KEY  
LARGO WASTEWATER TREAT-  
MENT PUBLIC HEARING**

The Key Largo Wastewater Treatment District ("District") will hold a public hearing at 5:00 p.m. on Wednesday, March 16, 2005, at the Key Largo Civic Club, 209 Ocean Bay Drive, Key Largo, FL 33037

**Intended action:**

The District intends to repeal a portion of its interim policies adopted by Resolution 2003-9 on February 5, 2003. Specifically, the District intends to repeal interim Policy Section 48-101.003, which provides that the District follows the Uniform Rules of Procedure published in Chapter 28, F.A.C.

**Reason for repeal:**

The District adopted interim policies early in its existence. The subject interim policy is based on the rules of the Florida Keys Aqueduct Authority, which was subject to the Florida Administrative Procedures Act (Fla. Stat. ch 120) and the regulations thereunder (Title 28 F.A.C.) However, the District is not subject to the Florida Administrative Procedures Act and regulations, and is not required to follow the Uniform Rules of Procedure. In the near future, the District intends to adopt final Policies, which will include procedural rules, as appropriate.

Any person who wishes to provide the District with information prior to repealing the policy may do so in writing prior to the public hearing, or may provide comments in person at the public hearing. Mailing address is KLWTD P.O. Box 491 Key Largo, FL 33037.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision by the Board with respect to any matter considered at such hearings or meetings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact the District Clerk Carol Simpkins at 305-451-5105 or cjsimpkins@bellsouth.net 72 hours prior to the meeting date.

Carol Simpkins  
KLWTD Board Clerk  
February 20, 2005

**PUBLIC  
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THE KEY  
TREAT-  
MEETINGS**

The KLWTD Board hereby gives notice pursuant to Chapter 189, Florida Statutes, of the following meetings:

The Board will meet at 5:00 pm at the Key Largo Civic Club, 209 Ocean Bay Drive, Key Largo, FL, MM 99.5, on the following dates: March 2, 2005 and March 16, 2005.

The Board will consider all matters that are on the agenda for each meeting. Agendas will be available 48 hours prior to the meeting or workshop date by contacting District Clerk Carol Simpkins at 305-451-5105.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision by the Board with respect to any matter considered at such hearings or meetings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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February 23, 2005

**PUBLIC NOTICE OF THE KEY LARGO WASTEWATER  
TREATMENT PUBLIC HEARING**

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Carol Simpkins  
KLWTD Board Clerk

February, 23 2005

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