

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

March 16, 2005
 Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on March 16, 2005 at 5:00 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 Patton led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda: Tom Dillon requested that the Tax Collector Agreement be added to Tab 6. Chairman Brooks requested that Item 12 be moved to the front of the agenda.

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 Bauman made a motion to approve the minutes of the March 2, 2005 minutes. The motion was seconded by Commissioner Claude.

Date	Description	Amount
1912
1913
1914
1915
1916
1917
1918
1919

The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the Board of Education, for the year 1919-20. The names are given in the order in which they were appointed.

Secretary: ...
 Treasurer: ...
 Auditor: ...
 Clerk: ...
 ...

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Secretary: ...
 Treasurer: ...
 Auditor: ...
 Clerk: ...
 ...

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

COMMISSIONER'S ITEMS

Chairman Brooks gave a report on the Water Quality Protection Program Steering Committee Meeting. He told the KLWTD Board that the District now has a seat on the Board as of the meeting on March 4, 2005. During the morning workshop portion of the March 4, 2005 meeting there was open discussion on wastewater funding, State and Federal. There was an unanimous consensus by the Board which included Marathon, Islamorada, Key Largo Wastewater, Key Colony Beach, and the County represented by Mayor Spehar that the Project Development Team would continue to be used to decide disbursement of State and Federal Funds and that the formula of 30-30-30-10 (30 for Islamorada, 30 for Marathon, 30 for Key Largo and 10 for Key West) would be used. Out of the authorized 100 million dollars five million has been appropriated. The group concluded that the Project Development Team would consist of one elected official from each entity in Monroe County along with back up staff. The resolution that was adopted was passed unanimously at the public meeting held in the afternoon (see exhibit A).

Commissioner Bauman asked how Chairman Brooks could explain the memos from Commissioner Nelson and Major Spehar that stated that the split should not be done by a simple formula, more thought needs to be put into the process and local politicians should be making the decisions on a case by case base. Chairman Brooks stated that it was not his job to explain Mayor Spehar or Commissioner Nelson's thoughts after the meeting. Mayor Spehar participated in discussion in the morning workshop but was not present at the vote in the afternoon. Chairman Brooks explained that she represented herself as being very interested in who makes the decisions on funding. She felt that it should be done by elected officials.

Commissioner Bauman explained to the Board that he was concerned with the resolution because there was no mention of the Monroe County Master Plan in it. There is equal weight (one vote each) for Key Largo Wastewater Treatment District and Layton which also gets one vote. Also, there is no sense in the resolution of looking at each installation of money that becomes available and seeing how it should be applied under the Master

Plan. Commissioner Bauman stated that he feels that only the areas of the Keys of the most critical concern and the largest (Islamorada, Marathon, and Key Largo Wastewater Treatment District) should have a vote with the County Staff overseeing the organization and coordinating it. He feels that stating that there is consensus in the Keys on Wastewater is stepping over the bounds.

Chairman Brooks stated that the Project Management Plan, and the fact that the District is in it is because we have projects that are part of and prioritized in the Master Wastewater Plan, should be used. The resolution is like us making one resolution to handle a segment of an overall issue. Chairman Brooks explained that the resolution is only covering one issue, how to fund the money to support the Master Wastewater Plan.

Chairman Brooks feels that the State has a certain interest in carrying out this resolution at this point. It could change politically in the future but at this time he feels that this is how it would materialize now.

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

RESOLUTION 03-03-05

A. RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, SUPPORTING A STRATEGIC APPROACH TO ALLOCATION OF FUNDS FOR WASTEWATER TREATMENT PROJECTS

Commissioner Bauman stated that the District needs to be aggressive with this resolution and not wait six months. The District should take the lead with the County's backing and go to Islamorada and Marathon and build consensus and then take it to the Steering Committee.

Commissioner Tobin suggested that the other entities be listed in the resolution.

Commissioner Bullock asked if any monies would currently be jeopardized by approving the resolution. Commissioner Bauman answered that the current monies would not be jeopardized and the District has already ratified the agreement concerning current monies. Chairman Brooks stated that the agreement has not been signed yet and he is concerned over putting hurdles in the way.

Chairman Brooks stated that the priority list is split up into three regions; the Lower Keys, Middle Keys and Upper Keys and each of these regions each have their priorities. The resolution does not state that Key Largo is the number one priority overall.

Commissioner Bauman explained that the resolution says that the people will get together and debate where the most needs are and where the most bang for the buck will be gotten. There is an overall rank for the Keys.

Motion: Commissioner Bauman made a motion to approve Resolution No. 03-03-04. 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 4 to 1

FINANCIAL OFFICER'S REPORT

Pending Payments List

Financial Officer Martin Waits presented the pending payment list for March 16, 2005.

Motion: Commissioner Tobin made a motion to approve the pending payments list for March 16, 2005 subject to the availability of funds. 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

Operating Budget Report

Financial Officer Martin Waits presented a report on the Operating Budget.

LEGAL COUNSEL REPORT

Agreements with the Property Appraiser and Tax Collector for Monroe County.

Motion: Commissioner Tobin made a motion to approve the Non-Ad Valorem Agreements with the Monroe County Property Appraiser and Tax Collector. 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

Public Hearing

RESOLUTION 04-03-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REPEALING SECTION 48-101.003 OF THE DISTRICT'S INTERIM WASTEWATER POLICIES

Chairman Brooks declared the Public Hearing opened and called for any comments from the public. There were no comments from the public. Chairman Brooks closed the public hearing.

Motion: Commissioner Tobin made a motion to approve Resolution No. 04-03-05. Commissioner Patton 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

Report on use of Bond Counsel and Financial Advisor

District Counsel Thomas Dillon reviewed the memo that was in the agenda package and told the Board that it was a primer for them in regards to procedure and vocabulary.

Commissioner Tobin said that he would like the District Counsel to follow up with checking resumes for Financial Advisors. He would like to have an advisor that would have enough skills so that he would be able to evaluate bonding versus special assessments versus borrowing money and he would also be able to give us his experience working with other municipalities as to what direction is best.

System Development Charge Limits

The Board directed the District Counsel not to do anything further on amending the FONSI.

ENGINEERS REPORT

Ed Castle, District Engineer, reviewed his report on the Key Largo Trailer Village. Collection System Vacuum Pits are being set in the Village.

Commissioner Patton requested that cost figures on cold patching the streets be provided to the Board.

Mr. Castle said that Airvac is finishing up the re-profiling the Key Largo Park Project design for Airvac and the plans will be ready to go when the District is ready to proceed with ADB.

GENERAL MANAGER'S REPORT

Sexton Cove / Lake Surprise Engineer Selection

General Manager Charles Fishburn presented the review of the seven Engineering Firms which were done by him and Ed Castle.

Ed Castle of Weiler Engineering stated that Weiler Engineering works for the District under a Work Authorization and is not the General Engineer under contract.

The Board had the firm's present give a five minute presentation. The following were present and made a presentation: Douglas Eckmann for Boyle Engineering, Patrick Mullenn (of MWH) representing Arcadus and Terry Zaudtke & Gerald Cox from CPH.

Motion: Commissioner Tobin made a motion to table the item of Lake Surprise/Sexton Cove Engineering Firm to the April 6, 2005 meeting and that the Staff is to split the project into two parts, one part being the collection system and transmission lines and the second part the Treatment Plant and Deep Wells and to bring back the top three rankings of the engineering firms for each part. 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 Position – Project Development Engineer

General Manager Charles Fishburn explained to the Board that the District has benefited greatly from employing local professionals. He would like to add an experienced registered professional engineer to the District Staff.

Mr. Fishburn stated that he is planning to pay the Project Development Engineer a salary of \$60,000 a year with an anticipated increase of 15% after a six month review.

Discuss among the Board Member followed and Ms. Blank (proposed Project Development Engineer) answered questions from the Board.

Motion: Commissioner Patton made a motion to approve the new position of Project Development Engineer. 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 4 to 1

District Counsel Thomas Dillon clarified for the record that there are now two engineering projects, one for the Collection System and Transmission Lines and one for the Treatment Plant and Deep Well Injection. The Engineer and the General Manager are going to do their rankings as they did before but they are going to name the top three selections for each of the two projects. The Board also has available to them the revised statements to their qualifications and can make any decision that they want to at the next regular meeting. Mr. Dillon recommended that the Board limit their discussion as to the

details of why one firm is being chosen over another, unless someone feels that it is important to have that discussion. He will recommend a motion for protocol.

Special Call Meeting

General Manager Charles Fishburn requested that the Board set a Special Call Meeting on March 30, 2005 to Discuss System Development Charges, have a SRF Funding presentation and action on the purchase of a District truck.

Motion: Commissioner Tobin made a motion to call a Special Call meeting on March 30, 2005. Commissioner Bullock 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		

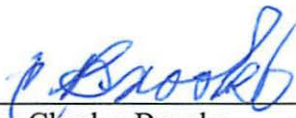
Motion passed 5 to 0

NOTE: Commissioner Bauman stated that he would like to apologize to Chairman Brooks for interrupting him during discussion and that he should have stopped talking when the Chairman requested him to. He met no disrespect to Chairman Brooks.

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 16, 2005 were approved on April 20, 2005.



Chairman Charles Brooks



Carol Simpkins, CMC
Board Clerk

The KLTU meeting minutes of March 18, 2005 were approved on April 18, 2005.

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Chairman, Ethics Board

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