

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



AUGUST 31, 2005
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on August 31, 2005 at 5:06 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin who arrived at 5:05 PM. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other apporperate District Staff.

The Pledge of Allegiance was led by Commissioner Bullock.

Approval of the Agenda

The agenda was approved with the following changes. The Board minutes of July 20 and August 3, 2005, Resolution No. 11-08-05, Rule Log #12, Article 1 N/A New Section 1.14 Meeting Procedures were moved to the Bulk Agenda. Item 10, the form to be used to exclude parcels from assessment; the Board will decide after discussion on whether to move this item to the Action Items. A meeting with the Key Largo Chamber of Commerce was added as a discussion item.

Public Hearings

Resolution Number 10-08-05

Chairman Brooks opened the public hearing on Resolution No. 10-08-05.

The following persons addressed the Commission: Robert Clemmons, 1 Tina Place, Key Largo, FL was concerned with the cost of sending out the certified letters and the process to apply for an exemption. Robert Majeska, 100636 Overseas Hwy, Key Largo, FL expressed concern over the method used to calucate the System Development cost for his business, Keys Kritters. Kelli Cuppett, wanted to know if there was a discount offered to people who pay their assessment upfront. Cris Franco was concerned about the process to collect the System Development Charge and the monthly bill.

Chairman Brooks closed the Public Hearing on Resolution No. 10-08-05

District Counsel Thomas Dillon gave the history of the final resolution. In adopting the final resolution, the District is reconfirming the initial resolution, but with any requested changes that the Board deems appropriate. Mr. Dillon suggested that the Board not hold property owners who want to ask for an appeal to the 30 day rule.

Chairman Brooks explained that the resolution has been reviewed by staff and the Board several times, and by a consultant specialist.

Commissioner Tobin requested the changes on Exhibit "A" and that a notice be placed in the newspaper with the extension time.

Commissioner Bullock stated that he does not think that publishing the time extension in the newspaper would be necessary unless there is a large number of persons affected. If someone has a problem with the decision of the assessment they could bring it to the Board.

Commissioner Patton feels that the 90 days extension is a good idea. And he likes the appeal process. District Counsel suggested that the time should be 120 days after the date of publication of the initial resolution, thus allowing the public until about December 10, 2005 to appeal.

Commissioner Bauman agrees with Commissioner Tobin and Commissioner Patton. He pointed out that he is still opposed to the System Development Cost that includes a contingency.

1st Motion: Commissioner Tobin made a motion approve Resolution No. 10-08-05 as distributed with the yellow lines. Commissioner Bullock seconded the motion.

2nd Motion: Commissioner Tobin made a motion to amend Resolution No. 10-08-05 Section 4.05 as distributed in Exhibit "A". Commissioner Bauman seconded the motion.

Vote on 2nd motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

3rd Motion: Commissioner Tobin made a motion to amend Resolution No. 10-08-05 Section 4.06 as distributed in Exhibit "A". Commissioner Bullock seconded the motion.

Vote on 3rd motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

4th Motion: Commissioner Tobin made a motion to amend Resolution No. 10-08-05 Section 4.08 (A) to say 120 days. Commissioner Bullock seconded the motion.

Vote on 4th motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

5th Motion: Commissioner Tobin made a motion to change Section 4.08 (E) Board Review. The sentence that starts with 15 days should be eliminated.

After discussion with District Counsel Thomas Dillon, Commissioner Tobin withdrew his motion.

Commissioner Bauman stated that the total capital cost is estimated at \$119,000,000 not \$140,000,000 because there is a 15% contingency; and the System Development cost is really 15% less than \$4,770 which is \$3,852.

Commissioner Bullock stated that in over 35 years of working with government construction contracts that no project goes to bid without a contingency in the project, when the grant is applied for it is the amount with the contingency that is applied for.

Commissioner Patton stated that he felt that the resolution is a very good idea and he thanked Mr. Dillon for all the hard work he put in on it.

Vote on 1st motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman		X	
Chairman Brooks	X		

Motion passed 4 to 1

Commissioner Bauman voted against the resolution because he objects to the inclusion of a contingency in the System Development Charge.

Public Hearing for Proposed Budget for FY 2006

Chairman Brooks opened the Public Hearing for the Budget.

There was no public comment on the Proposed Budget for FY 2006.

Chairman Brooks closed the Public Hearing.

Financial Officer Martin Waits presented the budget. He stated that the retirement program had been removed from the budget. The salary contingency pool was raised to \$25,000. The new position of Administrative Assistant was placed in the budget for between \$13 and \$20 an hour starting right after the first of the year. The Worker's Compensation issues have been resolved. The total revenue are expected to be 1.5 million dollars and out flows are expected to be 1.5 million dollars with \$600,000 of the 1.5 million dollars being placed in a capital reserve account.

After Board discussion the Staff was directed to: take out the retirement benefit, lower the salary adjustment pool to 5%, and to place the new Administrative Assistant in the budget at \$13 an hour.

Public Comment

The following persons addressed the Commission: *Dottie Moses*, 1 Harbor Drive, Key Largo, FL wanted to know if the roads would be resurfaced. Chairman Brooks stated that the streets would be patched. She also asked if grant applications would be available to residents of Key Largo Park. *Robert Burt*, Key Largo, expressed concern over the mountain of earth at the Key Largo Trailer Village left by the contractor. He also spoke for Burke Cannon who wanted to invite the Board to join the Federation of Homeowners. *Robert Majeska*, 100636 Overseas Hwy, Key Largo, FL stated that the low income people should be able to pay the hook up fee when the property is sold.

Commissioner's Roundtable

There was nothing presented at the meeting for this item.

Commissioner's Items

There was nothing presented at the meeting for this item.

Bulk Items

Airvac Purchase Order for KLP Project

Meeting Minutes of July 20 and Aug. 3, 2005

Resolution 11-08-05.

Rule Log Rule #12, Article 1 N/A New Section 1.14 Meeting Procedures

Motion: *Commissioner Tobin made a motion to approve the Bulk Items. Commissioner Patton seconded the motion.*

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

Rule Change Log #10, Article IX Fees and Charges, Section 9.01 System Development Fee (SDC) (16)

Commissioner Tobin thought that the Rule Change Log #10 had already been approved. It had been brought up for discussion but not officially approved.

Motion: **Commissioner Patton made a motion to approve Rule Change Log #10, Article IX Fees And Charges, Section 9.01 System Development Fee (SDC) (16). Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin		X	
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 4 to 1

Action Items

Pending Payments List

Financial Officer Martin Waits presented the list and announced that the one million dollar check from the County was due in the next day.

Motion: **Commissioner Patton made a motion to approve the Pending Payments List of August 31, 2005 contingent upon the availability of funds. The motion was seconded by Commissioner Bullock.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

Form to be used to exclude particle from assessment.

Commissioner Tobin requested that the item be tabled. Board tabled the motion by consensus.

Discussion Items

\$100,000 Loan

Commissioner Tobin recommended that staff prepare a resolution asking the County to roll the loan forward.

District Counsel Thomas Dillon recommended that a resolution be drafted that shows where the \$100,000 was spent in planning and development purposes and ask that the loan be forgiven.

General Manager Charles Fishburn was directed to contact the County and find out what needs to be done to have the \$100,000 loan forgiven.

Status Reports

Treatment Plant Operator Search

General Manager Charles Fishburn stated that his deadline to fill this position in October 1, 2005. Commissioner Tobin would like to see a work program training High School students as plant operators. He also would like to see a trailer placed on the plant site for an operator to live on site.

Proposed "Employee Performance Evaluation"

Commissioner Bauman made a motion to table this item. Commissioner Tobin seconded the motion.

DCA Inspection

Mr. Fishburn reported that Miles Anderson from the DCA had visited the District's sites and the inspection went well.

MSTU Status

Mr. Fishburn reported that the KLWTD MSTU has been reduced by the County from .35 mils to .3185 mils. He explained that the County had not consulted with the District before the role back.

Chamber Meeting

A meeting was held with the Board of Directors of the Key Largo Chamber of Commerce. General Manager Charles Fishburn stated that he would like to write a letter to the businesses and let them know what the estimated System Development Charges are for their businesses.

Adjournment

The KLWTD Board adjourned the meeting at 9:05 PM.

The KLWTD meeting minutes of Aug. 31, 2005 were approved on Sept. 21, 2005



Chairman Charles Brooks



Carol Walker, CMC
Board Clerk

Key Largo Wastewater Treatment
Final Assessment Resolution

SECTION 4.05. EXCLUDED PARCELS. The owner of Tax Parcel listed on an Assessment Roll may request that the Tax Parcel be excluded from the Assessment Roll. Such a request shall be made in writing and filed with the District Clerk. The District will consider as grounds for exclusion of a Tax Parcel, any facts that show the Tax Parcel to be an Excluded Parcel, as defined in this Resolution.

A. Typical examples of Excluded Parcels are listed by way of example and not by way of limitation:

1. The Tax Parcel is not improved and cannot be improved consistent with existing zoning regulations or other legal constraints;
2. The Tax Parcel is not improved and cannot be improved due to physical conditions of the property that preclude improvement;
3. The Tax Parcel is a property that has been aggregated with one or more other properties, and the aggregated parcels will receive Wastewater Service as a single aggregated property.

B. Effect of exclusion of a parcel. If the District agrees that a Tax Parcel should be excluded from the Assessment Roll as an Excluded Parcel, the Tax Parcel shall be excluded from the Assessment Roll if all of the owners duly execute a recordable instrument acknowledging that the owners are waiving any obligation of the District to provide Wastewater Service to the Tax Parcel. If the District ^{in its sole discretion} later provides Wastewater Service to the Tax Parcel for a then-current owner, the then-current owner shall be required to pay to the District ^{all direct & indirect costs & expenses including but not} ~~an amount fairly~~ ^{representing the special benefit that the Tax Parcel will receive, as determined by the District. That amount is expected to be significantly greater than the 2005 non-ad valorem assessment. The District may charge an administrative fee in connection with excluding parcels from assessment.} _{left in} ^{amount fairly representing}

Assessment
but not
amount
fairly
representing

SECTION 4.06. SUBDIVIDED TAX PARCELS. If any Tax Parcel shown on the Assessment Roll is subdivided after the date of the Final Assessment Resolution, the owner of the resulting subdivided Tax Parcels may make an election designating the resulting Tax Parcel that is covered by the Final Assessment Resolution. At the time of such election, the owners shall execute a recordable instrument acknowledging that they are waiving any obligation of the District to provide Wastewater Service to the resulting Tax Parcels not covered by the Final Assessment Resolution. If the District later provides Wastewater Service to a Tax Parcel not

in its sole discretion

same as 