

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



SEPTEMBER 21, 2005
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on September 21, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Brooks.

Approval of the Agenda

MOTION: Commissioner Tobin made a motion to approve the agenda as presented. The motion was seconded by Commissioner Patton.

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

District Counsel Thomas Dillon requested of the Board permission to go into an Attorney/Client session because he desired advice concerning the Haskell delay claim.

The regular session of the KLWTD Commission meeting was recessed at 5:10 PM

The Key Largo Wastewater Treatment District Board went into Attorney/Client Session to discuss the Haskell delay claim. The following persons were in attendance: Chairman Charles Brooks, Vice-Chairman Gary Bauman, Commissioners Andrew Tobin, Glenn Patton, and Claude Bullock. Also in attendance were General Manager Charles Fishburn, and District Counsel Thomas Dillon.

The Commission returned from the Attorney/Client Session at 5:35 and reconvened the public meeting.

Public Comment

The following persons addressed the Commission: No one addressed the Commission during public comment at this meeting.

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

RESOLUTION NUMBER NO. 09-09-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING, ADOPTING, AND RATIFYING, A LOAN AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND, AND MAKING CERTAIN COMMITMENTS IN CONNECTION WITH THE LOAN AGREEMENT.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 09-09-05. The motion was seconded by Commissioner Bauman.

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

Action Items

Settlement of Haskell Delay Claim

Motion: Commissioner Bauman made a motion to approve the Haskell Delay Claim Settlement Agreement on the Design Build Agreement of June 25, 2003 between the KLWTD, the Haskell Company D.N. Higgins Inc. Commissioner Patton seconded the motion.

General Manager Charles Fishburn reviewed the Haskell Delay Claim.

Financial Officer Martin Waits stated that he was in agreement with the arrangement. He thinks that the settlement is fair and equitable to everyone. Mr. Waits stated that he supports the mediation totally.

Ed Castle agreed with Financial Officer Martin Waits.

District Counsel Thomas Dillon supports the agreement and recommended it to the Board.

General Manager Charles Fishburn supports the agreement also.

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

Meeting Minutes of August 17, 31 and September 7, 2005

Chairman Brooks requested that in the September 7 minutes on page seven in the first paragraph line one and line two the "he" be changed to Mr. Fishburn and on line eight of the first paragraph the "Carol" be change to read KLWTD Clerk.

Motion: Commissioner Patton made a motion to approve the minutes of August 17, 31 and September 7, 2005 as amended. 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

Pending Payments List

Financial Officer Martin Waits presented the pending payments list.

Motion: Commissioner Patton made a motion to approve the Pending Payments List of September 21, 2005 contingent upon the availability of funds. The motion was seconded by Commissioner Tobin.

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

Fee to be collected for the Waiver to System Development Charge Assessment

District Counsel Thomas Dillon explained that the Board had already approved the form that would allow a property owner to consolidate tax parcels by waiving service to some and accepting service to one. The cost of the administrative fee to the property owner needs to be determined by the Board.

Motion: Commissioner Tobin made a motion to approve the Waiver of Service Administrative fee of \$200 plus \$50 per lot included in the application. 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

Discussion Items

Method and time frame for customers to review their assessments

District Counsel Thomas Dillon explained that a property owner has 120 days from August 10, 2005 to ask for a review of an assessment.

District Counsel Thomas Dillon stated that he will come back next week with a resolution naming the Assessment Coordinator.

Status Reports

Inter-local Agreement between FKAA and Monroe County

General Manager Charles Fishburn reviewed the inter-local that had been given to the Board in the information packages.

Staff was directed to draft a letter to the County Commission to confirm what the County's intent is in the dispersal of the Infrastructure Tax monies for wastewater.

Chairman Brooks stated that he felt that the District should stay out of the inter-local agreement between the FKAA and the County and that the District should just get to work on the Northern Component.

Engineer's Project Status Report

Ed Castle reviewed the status report that was presented in the agenda package.

Steve Gibbs requested that he be provided with all of the back up to the agenda items.

Adjournment

Commissioner Tobin made a motion to adjourn and Commissioner Bullock seconded the motion.

The KLWTD Board adjourned the meeting at 7:37 PM.

The KLWTD meeting minutes of Sept. 21, 2005 were approved on October 19, 2005



Chairman Charles Brooks



Carol Walker, CMC
Board Clerk