

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



October 5, 2005
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on October 5, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Andrwe Tobin, and Claude Bullock who arrived at 5:12 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 Chairman Brooks.

Approval of the Agenda

Chairman Brooks stated that as far as he was concerned the agenda package is unsatisfactory. The reason he said that was that the agenda package that was delivered had no value to it whatsoever. He received his agenda package Saturday, and everything in it was "we will get it to you later." Chairman Brooks asked Mr. Fishburn why the two most important documents that the Board has before them were not in the agenda package but placed in the information package? They were the backup for TAB 3 & 4, the CPH Work Order and the Arcadis Work Order. Mr. Fishburn responded with "he did not want them on the web site." Chairman Brooks explained that that was his biggest rub with the agenda. He further explained that his understanding of the information pack was that it was for items not related to the agenda items. Chairman Brooks stated that the District has an internet page and that page does not have anything of value, it is cursory, it gives the public nothing. He stated that out of the five items on the agenda only one of them had a five-bullet item for backup and that was TAB 1.

Chairman Brooks went through the agenda package. Tab 1 was Commissioner Items, Next Project, Commissioner Patton. That was the only Tab with backup. Tab 2 Pending Payment List, the Board was told that they would receive the Pending Payments List of October 3rd and he received it October 4th. Tab 3, the Sexton Cove/Lake Surprise Collection System work order (thirty pages) which was placed in the information package which is not part of the agenda and consequently takes it out of the public view. Then there was Tab 4 which was the Regional Treatment Plant (fifty pages) which was also place in the information package and not exposed to the public. The meetings are noticed

and the information is supposed to be put into the agenda packages. At the last meeting there had been a request that items like the Sexton Cove/Lake Surprise Collection System Work Order and the Regional Treatment Plant Work Orders and back up be in the agenda package. Tab 5 was the Engineering Status Report that was not in the agenda package but delivered on October 4 and it had been promised for October 3, 2005. If the public looks on the web page it is a waste of time. It just tells you what is going to be on the agenda, there was no backup.

Chairman Brooks stated that he has tried to work with the Manager and requested, prior to the delivery of the agenda package, that he and the Manager would sit down and discuss the agenda. Chairman Brooks explained that he feels (maybe it was an assumed situation) that it is his responsibility to have prior knowledge of what is to go onto the agenda. That is what is normally done in most government bodies. The Chairman has some say-so as to what goes on the agenda. Chairman Brooks stated that he has been absent of any communication with the Manager for the last two weeks. Prior to the last meeting Chairman Brooks had gotten a three o'clock call from the Manager and discussed the agenda to a certain degree and Chairman Brooks had felt that that was disturbing. In some previous occasions Chairman Brooks has come into the meeting, there had been speakers present for participation in the meeting (twenty to thirty minutes of the agenda time), and he had not known anything about it. Chairman Brooks explained that it had been a shock to him, how could he plan and conduct a meeting without knowing about the speakers ahead of time and preparing for it.

Chairman Brooks stated that since he received the backup for Tab 3 and Tab 4 at a late hour he is not going to vote on them at the current meeting. He requested that they be moved to discussion items. Chairman Brooks has eleven items to discuss concerning the work orders.

Commissioner Patton asked the Manager if it is imperative that the work orders be voted on in a timely manner. General Manager Charles Fishburn stated that he sees no point in waiting two more weeks. The work orders have been brought to the Board since May. They have not changed significantly since July (repetitively). Commissioner Patton stated that he would like to reserve judgment on the issue until such time that the Board would entertain a motion after discussion on the item as a discussion time to move it back to an action item. He has an issue with the work orders concerning timelines that he would like to discuss.

Commissioner Tobin commented about the agenda package as a whole. He has a different approach to the agenda package and the back up material. Commissioner Tobin stated there is a limited staff, things are always coming in quickly, and the District has a working Manager who is running a large construction operation that is fluid. Commissioner Tobin sees the agendas and back up materials as works in progress. He likes to have a discussion on the agenda items before a motion is made because of the short time, a limited staff, and everything is a work in progress that when things come to the Board it is hard for them to be absolutely final and in perfect shape. He likes to have the item for discussion first then time to think about it and then have it back for a vote.

Commissioner Tobin stated that he appreciates the Chairman's position that he wants to have as much backup as possible so that he can come to the meeting prepared.

Commissioner Bauman stated that he needs time to review things in advance and that if the backup is not available then the meeting can be rescheduled. He agrees with the Chairman on moving the items to discussion as does Commissioner Bullock.

District Counsel Thomas Dillon requested that a discussion of the change in the non ad-valorem tax certification roll be added to the agenda.

Commissioner Tobin suggested that the agenda have a Legal heading for District Counsel Thomas Dillon to make reports under. The Board agreed.

Commissioner Bullock would like the issue with Islamorada and accepting their sewage to be put to rest one way or the other. Chairman Brooks stated that the item would be discussed with the Arcadis Work Order.

The agenda was approved by consensus.

Public Comment

The following persons addressed the Commission: Hal Heim, Key Largo, stated that he thinks that the KLWTD should consider some active communications with the community.

Commissioner's Roundtable

Commissioner Patton requested that the issue of the Florida Keys Water Quality funding be put on the next agenda for discussion.

Chairman Brooks clarified that the statement made by either the paper or Ileana Ros-Lehtinen, US Representative, that 5.5 million dollars has come to the Keys is grossly wrong. There has been \$150,000 that has gone to Key Colony Beach and that is the only money that has been distributed. A letter has been received that recommends moving ahead with the monies with looking at a target date of May, 2006 for the Army to be ready for some reimbursements of some of the monies (for \$500,000 with more money following).

Commissioner Bullock stated that he had visited the Treatment Plant site. He reported that progress is coming right along and it looks like Haskell is doing a fine job. Commissioner Bullock stated that the District Engineer and District Staff are doing an excellent job in managing the project; the construction work looks like it is above average at the site. He would like to see the electrical systems at a higher elevation though.

Commissioner's Items

Next Project

Commissioner Patton stated that he went to the September 28 BOCC meeting and informed the Commission on how the KLWTD was moving forward on the North

Component. The BOCC confirmed that not all of the \$60 million from the infrastructure tax for wastewater would be going to the FKAA.

Commissioner Patton would like the Board to task Weiler Engineering to define the future projects so that Staff may develop a managerial business plan for the District.

Commissioner Tobin would like Staff to send a follow up letter to Islamorada concerning the processing of Plantation Keys effluent.

Chairman Brooks stated that he thought that the Board had voted not to proceed with the Islamorada project because their Board had said that they were not interested. Islamorada was not willing to give up reuse. Chairman Brooks would like to see the current projects completed before looking for future projects.

Chairman Brooks suggested that (Commissioner Patton and General Manager Charles Fishburn) bring a formal resolution to the Board to state what they want Weiler Engineering to do. Commissioner Bullock requested that reuse be looked at also in the plan with the cost.

District Counsel Thomas Dillon reminded the Board the CCNA applies to the task.

Commissioner Tobin asked why it has to come back as a resolution. Why couldn't it come back as a discussion item? The Board directed Staff to bring it back as a discussion item. It would be a work order to do a Continued Master Plan Study, Collection System and Transmission Line only.

Chairman Brooks stated that the District already has a Master Wastewater Plan that cost \$2.2 million and the District got it for nothing and he does not know why the Board wants to go through all of this again.

Bulk Items

Pending Payment Lists for October 5, 2005

MOTION: Commissioner Patton made a motion to approve the Pending Payments List of October 5, 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

Discussion Items

Change in the non ad-valorem tax certification roll

District Counsel Thomas Dillon explained that two parcels had been consolidated between the current date and the time the first certification was sent to the Tax Collector which reduced the parcels by one. A new certification with the corrected amount will be sent to the Tax Collector.

Regional Treatment Plant Engineering Work Order

General Manager Charles Fishburn introduced the Work Order and went through it.

Commissioner Bauman asked what was different between the current work order and the previous one. Mr. Fishburn explained that hours had been changed.

Chairman Brooks asked if the work order included the permit for the Wells and for the Plant. Mr. Fishburn stated that it did. Chairman Brooks stated that he has not seen a complete document like the current one concerning the Treatment Plant. He will not be voting on either of the work orders at the current meeting. He has not been given sufficient time to review the current documents in the form they are in now and will not vote on them at the current meeting.

Commissioner Patton expressed concern over the timeline and what the deliverables are. They need to be clearer.

Chairman Brooks explained that the disclaimer that Arcadis has in the proposal says that it is not a work order or a contract. He does not like signing a contract with a cover page he would like to have a signature page at the end of the contract.

The Board asked Ed Castle for his comments on the work order. Mr. Castle stated that he was comfortable with the general scope of work in the Arcadis work order. He was not comfortable with the level of effort that Arcadis was showing for the pre-engineered plant pricing. Mr. Castle asked Arcadis to make some assumptions and they did and put them in the back under attachment C.

Commissioner Patton asked if Arcadis would be available during construction. Ed Castle explained that Arcadis will be available for clarification, they will approve modification to the design, and they will be the Engineer of Record.

Patrick Mullen of MWH (Arcadis) stated that they will provide an updated schedule and the critical path of the schedule is the permit process. Chairman Brooks asked Mr. Mullen what the normal time frame is to get a work order from a client. Mr. Mullen stated that it varies from a few weeks up to a year.

Commissioner Tobin asked Chairman Brooks if you could be excused. Commissioner Tobin left the meeting at 7:10 PM.

Chairman Brooks had the following comments on the work orders for CPH and Arcadis:

1. The Manger has not provided prepared resolutions on the work orders. It is the responsibility of the Manager to provide the resolutions.
2. Chairman Brooks was concerned that the work orders were not work orders but Staff has rectified that by producing a work order but he still has problems with what is in the work orders and what is in the proposals.
3. There are not any escape clauses in the work order.
4. Chairman Brooks is concerned about the Lump Sum.
5. Chairman Brooks feels that he has not had enough time to review the work orders.
6. Chairman Brooks expressed concern with why it has taken Staff five to six months to bring the work orders to the Board for approval. He does not see why it has taken so long.
7. Chairman Brooks stated that he thinks that the Board has passed a rule that would call for any item that has a large amount of money involved is to come before the Board for discussion and then bring the item back to the Board at the next meeting for a vote.
8. Chairman Brooks is concerned with the signature page not being attached to the end of the document.

District Counsel Thomas Dillon reviewed what the Board is looking for to be changed in the work order. He stated the following items need to be changed:

1. The schedule will be updated.
2. He will review the base contract for "Termination for Convenience."
3. On page 6 of 18, capacity equals 3.7 a day is the Islamorada Issue and Chairman Brooks would like the item deleted. If the Board has not voted to drop the Islamorada issue then the Islamorada issue should be voted on separately at the next meeting before it is included.

Sexton Cove/Lake Surprise Collection System Engineering Work Order

General Manager Charles Fishburn introduced the work order and explained that the survey issue had not been resolved, so the survey part had been removed for the work order. Mr. Fishburn expects to have the issue resolved within two weeks.

Commissioner Patton questioned the timeline schedule. He requested a schedule with milestones and benchmarks on it for Staff to use. Ed Castle stated that a CPM schedule will be attached. Commissioner Patton does not want to approve the work order without having the surveyor information.

Commissioner Bullock said that it is not appropriate to sign the work order until the surveyor issue is settled.

Commissioner Bauman stated that we would like to see the District get the best possible price available for the survey work.

Chairman Brooks stated that he has a problem with the following items on the CPH work order:

1. The survey proposal said it was attached and it was not attached.
2. The work order saying Utility District.
3. There needs to be a project schedule (the District needs to have their own which incorporates all of the projects).
4. What is Notice of Project Management Consultant?
5. What is the availability of the vacuum station sites and who is responsible to obtain them?

Staff will make the changes in the CPH work order and bring it back to the Board at the next meeting.

Status Reports

Engineer's Project Status Report

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

Mr. Castle reported that they are trenching, laying pipe, and setting pits in the Park. Mr. Castle stated that there is a problem with the new style pits being used in the Key Largo Park.

Chairman Brooks stated that he did not know that the new pits were going to be used in the Key Largo Park Project.

General Manager Charles Fishburn explained to the Board that if they want to make the decision on where or not to use the new pits or the old pits the decision needs to be made at the current meeting.

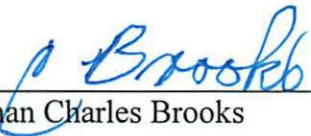
Chairman Brooks asked the Board if they wanted to be involved in making the decision to use the new pits. Commissioners, Bauman, Bullock, and Patton stated that they each felt that it was an operational decision not a policy decision that the Manager should make the decision.

Mr. Castle reported that he has received a copy of the Environmental Recourses Permit.

Adjournment

The KLWTD Board adjourned the meeting at 8:38 PM.

The KLWTD meeting minutes of October 5, 2005 were approved on October 19, 2005



Chairman Charles Brooks



Carol Walker, CMC
Board Clerk