

MINUTES

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



October 18, 2006
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on October 18, 2006 at 5:00 PM. Present were Commissioners Andrew Tobin, Charles Brooks, Norman Higgins, Gary Bauman and Chairman Claude Bullock. Also present were District Counsel Thomas Dillon, General Manager Charles F. Fishburn, District Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Tobin.

AGENDA

The Board removed Items G, 4 5, 6, 7, and 8 (Amoray Dive Resort Inc. 1539287 and 1539295 Assessment Appeal, Heart of the Bay, Inc. Assessment Appeal, Resolution No. 48-10-06 and Resolution No. 49-10-06) off of Bulk Items. Mr. Dillon requested that Resolution No. 50-10-06 be added to the agenda.

Motion: **Commissioner Tobin made a motion to approve the agenda as amended. Commissioner Brooks seconded the motion.**

Vote on Motion

| Member | Yes | No | Other |
|-----------------------------|----------|----|-------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

Public Comment

The following persons addressed the Commission: N/A

Commissioner's Items

Federal Funding

Chairman Bullock stated the District should meet with Colonel Paul Grosskruger who is the new person in charge of the Army Corp of Engineers in Jacksonville. The Board agreed.

Charles F. Fishburn, General Manager, told the Board the Staff will be meeting with Shelly Trulock shortly. She will be coming down to the Keys.

Whit Van Cott reviewed what the District's Legislative Representative, Fred Hicks, has been doing and what he has found out. He pointed out that it is very important to let the ACOE know that the District is ready to put pipe in the ground.

Amoray Dive Resort AK 1539295 and Heart of the Bay, Inc.

Owner Ms. Amy Slate addressed the Board. Ms. Slate pointed out that the neighboring Kelly's Resort had connected one of her water lines, on the Heart of the Bay, Inc. property, to their laundromat. She did not realize it until the resort closed down and her water usage was lowered. Her handyman then found the pipe going into the laundromat. There is also a swimming pool on the property.

Ms. Slate explained that on the Amoray Dive Resort property a large amount of water is used on the dive boat. She is planning in putting a second water meter to show the amount used with the dive boat and swimming pool.

The Board discussed lowering the assessment to the number of units, which is six.

District Counsel Thomas Dillon advised the Board that the analysis process has been structured so that there is very little judgment involved by staff and very little analysis of whether property can be developed, whether it should be assessed or not. It is a bright line criterion in which staff determines whether the parcel is owned by somebody and what is the water use. To the extent that the Board gives staff discretion to view cases and make recommendations and give opinions the Board and Staff work load will be increased greatly. A reasonable amount of data (a minimum of one year) should be what is used to make the decision.

Mr. Dillon asked that Ms. Slate contact staff at the beginning of December with her current information.

Motion: Commissioner Tobin made a motion to table the items and bring them back on December 20, 2006. Commissioner Brooks seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|-----------------------------|------------|-----------|--------------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

The Board directed staff to look into development of a policy for the installation of second meters and their annual inspection.

Amoray Dive Resort AK 1539287

Motion: Commissioner Brooks made a motion approve the presented assessment recommendation for Amoray Dive Resort, AK 1539287. Commissioner Higgins seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

Bulk Items

Minutes of October 4, 2006

Pending Payments List

Motion: Commissioner Bauman made a motion to approve the Bulk Items. Commissioner Higgins seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|----------------------|-----|----|--------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | | | Absent |
| Chairman Bullock | X | | |

Motion passed 4 to 0

Financial Officer's Report

N/A

Engineers Report

Monthly Status Report

Northern Transmission Line Phase I: Ed Castle reported that the pipeline is all installed except for one crossing and the bridge crossing and LaRocco is working on the bridge crossing currently. The restoration will start in two weeks. Staff has not decided whether or not LaRocco will extend the pipe into the current plant.

Lateral Connection Report

All of the residential vacuum valves are installed at Key Largo Trailer Village, 50 vacuum valves are installed at Key Largo Park.

Plant Operations AWT Update

Mr. Castle reported that the plant is coming closer to meeting AWT standards but that there are still problems that are being worked on. There are weekly conference calls and weekly letters that go out concerning the problems with meeting AWT.

Regional Plant Design Update

Mr. Fishburn explained that staff is discussing the number of treatment units that will be put in at the Regional Plant Site.

1.6 Acres needed for Regional Plant: Mr. Dillon explained that the District has resolved all of the issues and staff is working on the permit application to clear the property.

Legal Report

RESOLUTION NUMBER NO. 48-10-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE 2005 FINAL ASSESSMENT RESOLUTION (RESOLUTION 10-08-05) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR CORRECTION OF ERRORS AND OMISSIONS IN ASSESSMENT ROLLS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NUMBER NO. 49-10-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE 2006 FINAL ASSESSMENT RESOLUTION (RESOLUTION 28-08-06) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR CORRECTION OF ERRORS AND OMISSIONS IN ASSESSMENT ROLLS; AND PROVIDING AN EFFECTIVE DATE.

District Counsel Thomas Dillon explained that the proposed resolutions would allow the District to collect assessments from government agencies.

Motion: Commissioner Brooks made a motion to approve Resolutions No. 48-10-06 and 49-10-06. Commissioner Bauman seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

General Manager's Report

Transmission Line Phase II

RESOLUTION NUMBER NO. 50-10-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AWARDING CERTAIN CONSTRUCTION WORK WITHOUT FURTHER COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE.

General Manager Charles F. Fishburn reviewed the LaRocco change order for the Northern Component Phase II Project.

District Counsel Thomas Dillon explained to the Board that Special Districts are required to use competitive process for procurement unless they make a finding to award contract on a negotiated basis whenever the District determines that the purposes of the Act will be more effectively served thereby. In the current case there is every reason to think that a negotiated contract would more effectively serve the purposes of the Special District Act and the Key Largo Wastewater Treatment District Act. Action is required by the Board and the action is to waive competition and allow negotiation of a contract. This is done by Resolution No. 50-10-06.

Motion: Commissioner Bauman made a motion to approve Resolution No. 50-10-06. Commissioner Brooks seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Bauman | X | | |
| Commissioner Brooks | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

Commissioner's Round Table

Commissioner Brooks asked about the \$6 million in Specific Appropriation 1818 allocated to the District.

Martin Waits, Financial Officer, said that the \$6 million from the grant will be sent to the District upfront in one check. Staff is planning on using the money on Basin "A".

Staff is planning a joint planning and coordination meeting with the Monroe County staff to discuss funding, road paving, and stormwater.

Adjournment

The KLWTD Board adjourned the Board Meeting at 7:24 PM.

The KLWTD meeting minutes of October 18, 2006 were approved November 1, 2006.

Claude M. Bullock

Chairman Claude Bullock

Carol Walker

Carol Walker, CMC
District Clerk