

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



December 20, 2006
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 20, 2006 at 5:00 PM. Present were Commissioners Andrew Tobin, Susan Hammaker, 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 Bauman.

Public Comment

N/A

AGENDA

Commissioner Hammaker requested that Item 2 be moved to the first meeting in January. Commissioner Tobin requested that all Commissioner Items be moved to the end of the agenda. Commissioner Higgins requested that Item 17 (Resolution No. 57-12-06) be moved up after the public hearing. Chairman Bullock wanted discussion on Item 21 (Basin A Contract).

The Board approved the agenda as amended by consensus.

PUBLIC HEARING ON:

RESOLUTION NO. 58-12-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing Opened:

Stan Nitz, 99 Seaside, Ave #13, Key Largo, FL spoke. He was wondering what would be the consequences of not getting the sewer in by 2010.

Public Hearing Closed.

Motion: Commissioner Hammaker made a motion to approve Resolution No. 58-12-06 Commissioner Bauman seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Public Comment:

N/A

ITEM 17

RESOLUTION NUMBER NO. 57-12-06

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.

Staff explained that the resolution would base the calculations for the System Development Charges on flow instead of unit or flow.

Discussion concerning reassessment claims, review of charges after PRMG report, etc. among the Board and Staff followed. The Board directed Staff to bring back a revised resolution with changes for the Commercial Accommodation Units and changes in the use of Tax Parcels.

Motion: Commissioner Tobin made a motion to bring back Resolution No. 57-12-06 with changes to the first meeting in January. Commissioner Higgins seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|------------------------------|------------|-----------|--------------|
| Commissioner Bauman | X | | |
| Commissioner Hammaker | X | | |

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|-----------------------------|----------|--|--|
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

Bulk Items

Minutes of KLWTD Meeting on December 6, 2006

Pending Payments

Largomorada Assessment Appeal Recommendation

KLP SRF Loan Close Out Amendment

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

Vote on Motion

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

Motion passed 5 to 0

Engineers Report

Monthly Status Report

Ed Castle reported that there has not been very much activity on the projects in the last few weeks.

Lateral Connection Report

Ed Castle reviewed the lateral connection report.

Plant Operations AWT Update

Mr. Castle reported that Staff has discussed with the Haskell Company and Fluidyne conceptually how to have the Plant meet AWT Standards. The filters are still an issue and Fluidyne will have their Chief Engineer at the plant on January 2 for 30 days.

Finance Officer's Report

N/A

Legal Report

ROGO Lots

District Counsel Thomas Dillon explained to the Board that there are lots in ROGO that have not had their deeds recorded because Monroe County will not record the deed until the permit has been issued.

The Board directed Staff to accept the reduction in density on the ROGO lots if the property owner has proof that they are in ROGO.

RESOLUTION NO. 54-12-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MARIA GONZALEZ, SERGIO GONZALES, AND EUSEBIO RODRIGUEZ FOR DESIGNATION OF TWO TAX PARCELS AS PARCELS EXCLUDED FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 55-12-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF JPB PROPERTIES LC FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 56-12-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF RENELL R MAIERSPERGER FOR DESIGNATION OF TWO TAX PARCELS AS A PARCEL EXCLUDED FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 59-12-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF LAZARO NUNEZ AND MIRIAM RODRIGUEZ FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE

RESOLUTION NO. 60-12-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF LAZARO NUNEZ, EMILIO AMADOR, AND EUSEBIO RODRIGUEZ FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

The Board directed Staff to place the resolutions dealing with assessment reduction resolutions that have been approved by the District Counsel on the Bulk Item agenda.

Motion: Commissioner Bauman made a motion to approve Resolutions No. 54-12-06, 55-12-06, 56-12-06, 59-12-06, and 60-12-06 Commissioner Hammaker seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|----------------------------|------------|-----------|--------------|
| Commissioner Bauman | X | | |

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|------------------------------|----------|--|--|
| Commissioner Hammaker | X | | |
| Commissioner Higgins | X | | |
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Motion passed 5 to 0

\$6.038 Million Dollar State Appropriations Grant

District Counsel Thomas Dillon presented the agreement and explained that it must be processed through the FDEP execution process before proceeding with Basin “A” – Phase I Construction in January.

Motion: Commissioner Tobin made a motion to approve the 6.038 Million Dollar State Appropriations Grant. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

General Manager’s Report

Basin “A” Phase I Contract

Charles F. Fishburn, General Manager, explained that ADB has told the District that they would do Phase I in Basin “A” at the Key Largo Park, 2005 prices.

Chairman Bullock expressed concern over not using the Competitive Bid Process. District Counsel Thomas Dillon explained that since the KLP 2005 contract had used the Competitive Bid Process and the District would be using the same prices, it would be legal for the District to take ADB up on their offer.

Motion: Commissioner Bauman made a motion to approve the Contract with ADB for Basin “A” Phase I at the KLP 2005 prices subject to DEP approval. Motion was seconded by Commissioner Higgins.

Vote on Motion

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

Motion passed 5 to 0

Selection of an Engineer for Basin "B"

The Board directed Staff to do a background check on Eckler Engineering and bring the contract back to the first meeting in January.

State Legislative Representative

Charles F. Fishburn proposed that the Board select a Representative to work at the State level for the District in Tallahassee.

Commissioner Tobin disagreed with the need for a State Level Representative.

Commissioner Bauman does not see the need either.

Commissioner Hammaker would like to have the Manager negotiation the fees lower.

Motion: Commissioner Tobin made a motion to table the subject of a State Level Legislative Representative until the second meeting in January. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Representative Saunders' Wastewater Summit Meeting

General Manager Charles F. Fishburn informed the Board about the Wastewater Summit meeting that was held on December 14 at 5:30 in the Marathon Government Center. The District will redo their request on the Community Budget Issue Request Form the Representative Saunders' liked. The total that all of Monroe County is requesting for wastewater in 2007/2008 is 80 million dollars.

Schedule of Board Meetings for 2007

Staff presented the following dates (on Tuesdays) for the Board meeting in 2007 starting at 4:00 PM:

January 9 and 23, February 6 and 20, March 6 and 20, April 3 and 17, May 1 and 15, June 5 and 19, July 10 and 24, August 7 and 21, September 11 and 25, October 9 and 23, November 6 and 20, December 4 and 18, 2007.

The Board approved the new dates and time by consensus.

Salary Freeze

Commissioner Higgins would like a workshop for the Board to look at the Market Value of the employees.

Chairman Bullock would like to see a salary firm hired to review the employee salaries. He would also like to have a cost of living increase established for everyone. Commissioner Tobin felt that the Manager should have some discretion (a range) in giving out raises.

Motion: Commissioner Tobin made a motion to authorize the General Manager to give merit increases within the budgeted amounts for the fiscal year 2007. Commissioner Higgins seconded the motion.

Vote on Motion

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

Vote Passed 5 to 0

New Inspector Position

The General Manager recommended that an additional inspector be hired.

Motion: Commissioner Tobin made a motion to authorize the General Manager to hire an additional inspector. Commissioner Higgins seconded the motion.

Vote on Motion

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

Vote passed 5 to 0

Rate Sufficiency Study Update

Commissioner Tobin would like to see an estimate of time to be spent on each task. He would also like to have the Manager rank (prioritize) the issues.

Motion: Commissioner Tobin made a motion to approve the Rate Sufficiency Study Contract with PRMG with the Manager refining the task priority and hours. Commissioner Higgins seconded the motion.

Vote on Motion

| Member | Yes | No | Other |
|-----------------------|-----|----|-------|
| Commissioner Bauman | X | | |
| Commissioner Hammaker | X | | |
| Commissioner Higgins | X | | |

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|---------------------------|----------|--|--|
| Commissioner Tobin | X | | |
| Chairman Bullock | X | | |

Vote passed 5 to 0

Commissioner's Items

The Haskell Company

Commissioner Tobin withdrew this item

Holiday

Commissioner Higgins proposed that the Staff have the day after Christmas and the day after New-years day off.

Commissioner Tobin stated that everyone should be back to work the day after New-years day.

Motion: **Commissioner Higgins made a motion to authorize the General Manager to give the District Staff December 26, 2006 off with pay. Commissioner Bauman seconded the motion.**

Vote on Motion

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

Vote passed 5 to 0

On Site Day Care

Commissioner Hammaker suggested that anyone bringing in a minor to the work place sign a waiver relieving the District of any liability.

The Board decided to leave any child care arrangements informal.

Commissioner's Round Table

N/A

Adjournment

The KLWTD Board adjourned the Board Meeting at 8:43 PM.

The KLWTD meeting minutes of December 20, 2006 were approved January 9, 2007.

Claude M. Bullock

Chairman Claude Bullock

Carol Walker

Carol Walker, CMC
District Clerk