

# MINUTES

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



January 9, 2007  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on January 9, 2007 at 4:00 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 Higgins.

The KLWTD Board observed a moment of silence in respect for Commissioner Bauman's mother who had passed away.

### AGENDA

Chairman Bullock wanted to add an item to Commissioner Item's concerning an employee's contract.

**Motion: Commissioner Higgins made a motion to approve the agenda as amended. Commission 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**

### Public Comment

Charles Brooks, Key Largo, addressed the Board about the Water Quality Protection Board meeting. He said that he would be available to represent the District at their next meeting.

Chairman Bullock stated that he felt that Mr. Brooks was a valuable recourse to work with the Board. Commissioner Tobin said that he would like Mr. Brooks to counsel the Board but did not think that he should represent the Board.

**Motion:** Commissioner Higgins made a motion to send Commissioner Bauman to the Water Quality Protection Board meetings as the KLWTD's representative. Commission 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**

**Commissioner's Items**

*Board Meeting Compensation*

Commissioner Hammaker introduced a draft resolution that would set a policy that would say that if a Commissioner leaves (unexcused) a Board meeting before the end of the meeting that Commissioner would not receive a payment for that meeting.

Commissioner Higgins stated that he felt that a Commissioner should not leave a meeting unexcused.

Commissioner Bauman explained that when a meeting goes late he feels that he is no longer effective at the meeting.

Commissioner Tobin stated that he does not think that the Board needs to be policed by a resolution.

District Counsel Thomas Dillon explained to the Board that it has the legal authority to establish bylaws or policies such as that proposed by Commissioner Hammaker.

Commissioner Hammaker moved approval of the draft resolution. The motion died for lack of a second.

*Water Quality Awareness Month*

**Motion:** Commissioner Hammaker made a motion to direct Staff to bring back a Proclamation supporting Water Quality Awareness Month, completed with the District's name, to the next meeting.

**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**

*Employment Contract*

Charles F. Fishburn, General Manager explained that he does not think that the item should come before the Board; as long as he is not exceeding the budget limit amount for raises.

Myles Milander explained that he has been working with the Manager since November 2006 to get a new contract and has not gotten one yet.

The Board directed Mr. Milander and Mr. Fishburn to work out the problems.

**Bulk Items**

*Minutes of KLWTD Meeting on December 20, 2006*

*Pending Payments*

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

*Commissioner Item's*

*Washington Trip*

Whit VanCott explained that the Board should send a representative to Washington D.C. to meet with the District's government representatives and the Army Corp of Engineers.

**Motion: Commissioner Higgins made a motion to send Mr. VanCott and Chairman Bullock to Washington D.C. on January 21, 2007. 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 failed 2 to 3**

Chairman Bullock made a motion to send Mr. VanCott to Washington D.C.

Mr. VanCott stated that because he is convinced of the importance of both an elected official and himself going to Washington D.C. that he would cover his travel expenses himself.

Commissioner Tobin seconded the motion to send Mr. VanCott to Washington D.C. The motion was withdrawn by Commissioner Tobin. Motion died due to a lack of a second.

**Motion:** Chairman Bullock made a motion to send Chairman Bullock to Washington D.C. on January 21, 2007 with the District paying for the travel expense, room, and out of pocket expenses. 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**

The Board directed staff to send the package that is being put together to present to the people in Washington D.C. to all the Board Members before it goes to Washington.

**Engineers Report**

*Monthly Status Report*

Ed Castle reviewed the written report that he submitted in the agenda package.

*Lateral Connection Report*

Ed Castle reviewed the lateral connection report.

*Plant Operations AWT Update*

Mr. Castle reported that the Haskell Company and Fluidyne are onsite conducting acceptance testing. There is a conference call scheduled for Friday to discuss design flow testing.

Mr. Castle mentioned that the District should put in instrumentation that would help with the testing and could be used on the larger plant also. The Board directed staff to come back with a recommendation.

**Finance Officer's Report**

N/A

**Legal Report**

*RESOLUTION NUMBER NO. 01-01-07*

*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 presented Resolution No. 01-01-07.

Mr. Michael Bloom, attorney for Captain Jax and King’s Kampground thanked the Board and staff for listening to the public and considering their concerns.

**Motion: Chairman Higgins made a motion to approve Resolution NO. 01-01-07. Commissioner Bauman seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Chairman Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

*RESOLUTION NUMBER NO. 02-01-07*

*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 presented Resolution No. 02-01-07. He also pointed out a typo on page two second line, it should read “may tend to increase or decrease the demand.”

**Motion: Commissioner Higgins made a motion to approve Resolutions No. 02-01-07 as corrected. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		

<b>Commissioner Tobin</b>	<b>X</b>		
<b>Chairman Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

**General Manager's Report**

*Selection of an Engineer for Basin "B"*

Charles F. Fishburn reported on Eckler Engineering's references. They were very favorable.

**Motion:** **Commissioner Tobin made a motion to direct staff to negotiate a contract with Eckler Engineering as engineer for Basin "B." Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Chairman Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

*State Legislative Representative*

After discussion among the Board and staff Commissioner Bauman was directed to take the lead and report back to the Board at the January 23 meeting concerning a State Legislative Representative.

*Connection Letter to KLTV*

The Board reviewed the letter and decided to take out the last half of the third paragraph (every thing after "will issue a Notice of Violation on the property.") Staff is to add "and enforcement action will be taken to force connection of your property to the wastewater system," or words of similar import.

*Treatment Plant Site Update*

Charles F. Fishburn explained that the trees have been addressed and the site will be cleared. Mr. Fishburn will look into the value of the trees.

*Basin "A" Update*

Mr. Fishburn reported that the bid for Basin "A" Phase 1 went out to bid on January 9, 2007.

*CDBG Status*

The Board reviewed staff's letter to Mr. Willi, Monroe County Manager, and by consensus approved staff sending the letter out.

*Silver Shore Leaseholder's Association Meeting*

The Silver Shore Leaseholder's Association has requested that the District attend their meeting on January 20 to update them on what has been happening. The Board directed Commissioner Bauman and the General Manager Charles F. Fishburn to attend the meeting.


**Commissioner's Round Table**

N/A

**Adjournment**

The KLWTD Board adjourned the Board Meeting at 7:29 PM.

The KLWTD meeting minutes of January 9, 2007 were approved January 23, 2007.

  
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Commissioner Andrew Tobin

  
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Carol Walker, CMC  
District Clerk

