



## MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on August 11, 2015. Present were Chairman David Asdourian, Commissioners Stephen Gibbs, Norman Higgins, Andrew Tobin, and Robert Majeska. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Operations Manager Daniel Saus, Ed Castle with Weiler Engineering, acting District Clerk Katherine Jackson, and other appropriate District Staff.

Ms. Sue Heim led the pledge of allegiance.

### AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Commissioner Stephen Gibbs added an item under Commissioner's Roundtable in response to item M-1.
- Commissioner Andrew Tobin added an item under Commissioner's Roundtable in response to Commissioner Gibbs' e-mail.
- Commissioner Tobin added an item under Commissioner's Roundtable to discuss a letter he handed out for Commissioners to suggest the best procedure for complaints about the General Manager.
- Commissioner Majeska added an item under Operations Report to briefly discuss the Monthly Staff Report of July 2015.
- Commissioner Majeska added an item under Legal Report to discuss repairs to the entrance gate at the Paradise Point/ Lake Surprise II Condominium Association
- Commissioner Tobin added an item under Legal Report to discuss the search committee for the new Operations Manager.
- Chairman Asdourian added an item under Agenda Additions, Corrections or Deletions.
- General Manager Paul Christian added an item under Engineer's Report to discuss the Weiler Engineering 2016 Fiscal Year Engineering Budget.

### APPROVAL OF AGENDA

**Motion:** Commissioner Higgins made a motion to approve the agenda as amended, and Commissioner Gibbs seconded the motion. The motion passed without objection.

*Recognize District Staff*

Contract Management Specialist, Laura Weinstock, was awarded Employee of the Month for July 2015.

Dan Saus was awarded a plaque for his years of service to KLWTD.

*Chairman Asdourian's Letter*

Chairman Asdourian read a letter he wrote titled "Conduct Reality Check," which is attached to these minutes as attachment 1.

**PUBLIC COMMENT**

<i>Name and Address</i>	<i>Subject</i>
Sue Heim Key Largo	General comments on KLWTD
Sue Heim Key Largo	Minutes of August 4, 2015
Sue Heim Key Largo	FY2016 Budget Planning: Staffing Plan
Sue Heim Key Largo	Proposed Changes to Deferred Compensation Retirement Plan
Sue Heim Key Largo	Commissioner Gibbs' E-mail Response to Item M-1

Ms. Sue Heim expressed her opinion on the District doing tasks as they have been done in the past.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

*Minutes of August 4, 2015*

Public Comment: Ms. Sue Heim made a public comment regarding the wording choices in the August 4, 2015 Minutes.

Commissioner Tobin expressed his concern that the meetings of the search committee for the Operations Manager position should be held in accordance with the Florida "Sunshine" Law. Commissioner Tobin also stated that he recalled that at the August 4, 2015 meeting, the discussion of the procedure for the hiring of the Operations Manager position had been tabled. Commissioner Tobin asked Mr. Ray Giglio to add to the Minutes of August 4, 2015 his comments on the applicability of Florida's Sunshine Law to the selection process and meetings of the search committee.

**Motion:** Commissioner Tobin made a motion to table the Minutes of August 4, 2015, and Commissioner Higgins seconded the motion.

## Vote on Motion

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Gibbs		X	
Commissioner Higgins	X		
Commissioner Majeska	X		
Chairman Asdourian		X	

**Motion passed 3 to 2**

## OPERATIONS REPORT

### *Monthly Staff Report of July 2015*

Commissioner Majeska asked several questions regarding the Operations Section, Construction Section, Customer Service Section, and the Cost of Treatment Index.

Mr. Paul Christian, Mr. Ed Castle, and staff answered those questions and others from the Board.

## ENGINEER'S REPORT

### *Weiler Engineering 2016 Fiscal Year Engineering Budget*

Mr. Paul Christian presented the Weiler Engineering Proposal for fiscal year 2016 to the Board. Mr. Ed Castle of Weiler Engineering explained that this proposal contained work that may or may not be done in the future, however the District will only pay for work that will be completed. Commissioner Gibbs asked Mr. Castle to comment on an exit strategy for Weiler Engineering.

Commissioner Tobin raised a concern about whether the District will see additional fees from Weiler Engineering because of the absence of an Operations Manager. Mr. Castle explained that there could be an increase in administrative charges.

Staff answered additional questions from the Board.

## ADMIN / CUSTOMER SERVICE REPORT

### *Administration Building Progression Timeline*

Mr. Rob Bulkiewicz reported that Phase 2 of the Administration Building renovation project—column removal—is expected to be completed by the end of August 2015, and will not interfere with the beginning of Phase 3. Mr. Bulkiewicz stated that the RFP for Phase 3 of the Administration Building renovation project—remodel—will be released on August 12, 2015.

Staff answered questions from the Board.

*Code Compliance – August 2015*

Mr. Rob Bulkiewicz presented the code compliance list for August 2015, and answered questions from the Board.

**LEGAL REPORT**

*Public Records Request Presentation*

Mr. Ray Giglio gave a presentation on the Public Records Law to the Board. Commissioner Tobin suggested the District adopt a resolution establishing a schedule of the rates and fees the District will charge for public records requests.

Mr. Giglio answered questions from the Board.

**EXTENSION: 6:00PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

**5 MIN BREAK: 6:10PM**

*Lake Surprise Estates*

Mr. Ray Giglio informed the Board that he received an e-mail from Mr. Ken Larrivee regarding the failed gate footer. He also indicated that an internal e-mail search had been conducted and had turned up more information. Mr. Giglio stated that he will present his findings at a future Board meeting.

*Search Committee – Operations Manager Position*

Commissioner Tobin stated that he spoke with Mr. Ray Giglio about the search committee conducting its proceedings in a public forum. Mr. Giglio stated that if the Board participates in the selection process, and especially if the Board makes the final decision on the Operations Manager, then the meetings and proceedings of the search committee must be held in accordance with Florida's Sunshine Law.

The Board members further discussed the process, but no consensus was reached.

**BUDGET AND FINANCE REPORT**

*FY2016 Budget Planning: Staffing Plan*

Public Comment: Ms. Sue Heim stated her concerns regarding the FY 2016 Budget Planning: Staffing Plan item.

Mrs. Connie Fazio presented the FY 2016 Staffing Plan and answered questions from the Board. Commissioner Tobin raised a concern about the growth in the number of District positions since 2012. Commissioner Tobin also informed the Board and Staff of his meeting

with Mr. Paul Christian and Mr. Ray Giglio to discuss the Contract Management Specialist and Records Custodian positions.

Commissioner Tobin also raised his concern that the Staffing Chart appears to show the District's Legal Counsel, Engineer, and Finance Director reporting to the General Manager. Commissioner Tobin expressed his view that these positions should report directly to the Board, and that the Staffing Chart should reflect that hierarchy.

Chairman Asdourian asked staff to research how and when the Staffing Plan has changed in the years since 2012, and to provide the minutes of the meeting at which the Staffing Plan was adopted. The Board has requested this item be brought back for discussion, with supporting documentation, at a future meeting.

**EXTENSION: 6:30PM**

**Motion: Commissioner Majeska made a motion to extend the meeting 30 minutes. Commissioner Tobin seconded the motion. The motion passed without objection.**

**EXTENSION: 7:00PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

*Proposed Changes to Deferred Compensation Retirement Plan*

Public Comment: Ms. Sue Heim spoke in opposition to the Proposed Changes to Deferred Compensation Retirement Plan.

Mrs. Connie Fazio presented an updated Proposed Changes to Deferred Compensation Retirement Plan. Mrs. Fazio stated that she updated the format to make it clearer.

Commissioner Tobin expressed his concern that not all of the District's employees can afford to put money into their retirement accounts, as many people live paycheck to paycheck.

Commissioner Gibbs also expressed concerns about providing a benefit to those employees who cannot afford to contribute to their retirement plans.

Staff answered questions from the Board.

**Motion: Commissioner Higgins made a motion to accept the Proposed Changes to the Deferred Compensation Retirement Plan, and Commissioner Gibbs seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>	<b>X</b>		

**Motion passed 5 to 0**

**EXTENSION: 7:30PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

**COMMISSIONER'S ITEMS / ROUNDTABLE**

*Memo from Commissioner Tobin*

Commissioner Tobin presented a memo to publicly reprimand Mr. Paul Christian to the Board. Commissioner Tobin stated that he did not want to relive the past, that this was the best way to correct the issues stated, and to put the subject in the past. Commissioner Tobin indicated that, in his view, if the Board does not reprimand Mr. Christian, the Board is "approving the conduct."

Commissioner Gibbs expressed his opinion that there is no need to have any continued discussion on this subject, and that it has been blown out of proportion.

Commissioner Majeska expressed his feelings that Operations Manager Dan Saus left the District because of Mr. Christian, and that this public reprimand is the bare minimum that the Board should call for. Commissioner Majeska also informed the Board that he originally intended to come to the meeting and call for Mr. Christian's resignation.

Mr. Christian stated he did not blame Mr. Saus for any acid damage found in the tanks, and in fact, Mr. Saus came up with a plan, along with Mr. Ed Castle, to mitigate this type of damage in the future.

Chairman Asdourian explained that he had lunch with Mr. Saus, and he said Mr. Saus did not leave the District because of any problems with Mr. Christian. Chairman Asdourian said that Dan was not happy seeing his name and salary in the newspaper, and he decided to take a position in Marathon because of this.

**Motion: Commissioner Tobin made a motion to Publicly Reprimand General Manager Mr. Paul Christian, and Commissioner Majeska seconded the motion.**

**Vote on Motion**

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Gibbs		X	
Commissioner Higgins		X	
Commissioner Majeska	X		
Chairman Asdourian		X	

**Motion failed 2 to 3**

*Commissioner Gibbs' Response to Item M-1*

Public Comment: Ms. Sue Heim made a public comment regarding Commissioner Gibbs' letter.

Commissioner Gibbs withdrew his item in response to the failed Motion to Publicly Reprimand General Manager Mr. Paul Christian.

*Commissioner Tobin's Response to Commissioner Gibbs' E-mail*

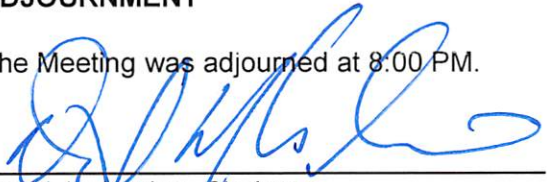
Commissioner Tobin withdrew his item in response to Commissioner Gibbs removing his response to Item M-1.

*Commissioner Tobin's Suggestion Letter for Board Complaint Process against General Manager*

Commissioner Tobin presented his handout, and requested the Commissioners write down how they feel the complaint process should proceed. Commissioner Tobin requested that Mr. Ray Giglio compile the answers and bring the findings to a future meeting.

**ADJOURNMENT**

The Meeting was adjourned at 8:00 PM.

  
\_\_\_\_\_  
David Asdourian, Chairman  
\_\_\_\_\_  
Katherine Jackson, Clerk

## Conduct Reality Check

I am of the opinion that as of late, some of the conduct being displayed here around the KLWTD is in dire need of a dose of reality. The five elected commissioners of the board have a responsibility to the people of Key Largo and the employees of the District. This responsibility includes making policy decisions that have the potential of effecting both the environment and the lives of numerous people. At times there will be requests from individual commissioners or the Board as a whole for information dealing with various matters. It is staffs job to provide the information that is requested without question or drama. What is done with that information from that point is the responsibility of that person or persons.

The Board members also need to recognize that individually we DO NOT have the authority to give direct orders to staff, employees, vendors, and contractors or make unilateral decisions which affect the KLWTD. That is why the Board is elected, where the process of open discussion takes place during public meetings, and the Board makes decisions based upon a majority vote. The people that put the commissioners on the Board of the KLWTD expect and deserve more than what they are getting. The public, the employees, and fellow commissioners DO NOT deserve to have to tolerate the profanity, name calling, innuendos, and lack of professionalism which is happening.



**As the Chair of the Board, I have, in my opinion been doing less than a quality job by allowing this type of conduct to continue. So in the future if any of this conduct is displayed I will make quick use of the gavel and declare that the individual is out of order.**

**Now this being said, Sadly there will be those who will pick this apart and find fault with what has been said. The bottom line is the commissioners, staff, and employees all need to step back and consider what they can do as an individual to make this a better place.**