

February 2nd

2005

**FEBRUARY 2, 2005
KLWTD BOARD MEETING
AGENDA PACKAGE**

**Key Largo Wastewater Treatment District
Board of Commissioner's Meeting**

AGENDA PACKAGE

**Charles Brooks
Gary Bauman
Andrew Tobin
Claude Bullock
Glenn Patton**

**Chairman
Vice Chairman
Secretary/Treasure
Commissioner
Commissioner**

.....
**Charles F. Fishburn
Thomas Dillon
Carol Simpkins**

**General Manager
District Counsel
Board Clerk**

**BOARD CLERK
CAROL SIMPKINS**

hp LaserJet 3015

KLWWD FISHBURN
305 852 2477
Feb-7-2005 16:18



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
413	2/ 7/2005	16:18:31	Send	15618810012	0:14	0	Stop

Phone & Fax: 305-451-9106
Cell: 305-942-1378
Office: 91831 Overseas Hwy. Suite 200
Tavernier, FL 33070
Mailing: P.O. Box 491
Address: Key Largo, FL 33037

Key Largo
Wastewater
Treatment District

Fax

To: *ATTN: BILL LYNCH*
MIKE W. From: Charles F. Fishburn, General Manager
Fax: *561-881-0012* pages: *1+2*
Phone: _____ Date: _____
Ref: _____ CC: _____
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

Collection Process ^{RETU + KLP}

Commissioner Items ^{Glenn}
STAFF TO REPORT

NO Federal Funding - SOON AS ASSESSMENT CAN
BOND MONEY ISLA \$30 MO.

TAX COLLECTOR RATES LOWER THAN COMMERCIAL
CAN ADVANCE MONEY FOR HOOK UP - CAPE START W/ BOND THEN

DO APPRAISAL

ANDY - ASSESSMENT TAX, SYSTEM DEVELOPMENT FEES - HOPEFULLY RATE STUDY
CAN RELY ON FOR EXPERTISES
MECHANICS OF PROCESSES

ANDY - LEGAL CONSTRAINTS FOR SPECIAL ASSESSMENTS

GARY WANT TO SEE PRMG BEFORE ANY DECISIONS / FIND SOMEONE EXPERT
IN MECHANICS

CLAUDE ^{WHAT} HAS FRAA - HAVE ^{TOM} UNIT FOR + ALTERNATIVE

Motion

~~TABLE~~ MOVE TO ACTION ITEM NEXT MEETING
COME BACK W/ RECOMMENDATION BY CONSENSUS (ACTION)
MOVE TO

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

GARY - NOT PROPOSING NON ADJUDICATION FOR CITIZEN IT WILL BE A
COLLECTION PROCESS

* BEST WAY TO GET RECOVER COST
BACK FROM KLTU + KLP W/ EVIDENCE
GOOD FOR TAX PAYER

ILEANA-ROS Lehtinen

Federal Funding

Commissioner Items

Charlie- ILEANA - Monday night updates from community

Explains Authorization / Appropriations process The 100M figure was a issue of false hope - received 5M - KLAID get 500,000 in 2 yrs 04 & 05

Money coming down like NOT coming. Col Martha - Reso Request in Congress

50 MIL YRS FOR WASTEWATER in MA Paton TRANSPORTATION Bill

TRANSPORTATION - HAVE to Be very creative to use for WASTEWATER,

Outlook any further Federal Money Looks Bleak

Ratifying Appropriation of 500,000 Accept in Grant money for CIT

Glenn - GARY Agrees - who has hottest spots
Elected officials should make Distribution Decisions & how much to fix.

Motion Glenn Accept ~~500,000~~ 500,000 in Grant money, ^{that's allocated}

Second Claude

Member	Yes	No	Other	Present
Commissioner Andrew Tobin		✓		
Commissioner Gary Bauman		✓		
Commissioner Glenn Patton	✓			
Commissioner Claude Bullock	✓			
Chairman Charles Brooks	✓			

3/2 Passes

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF
COMMISSIONERS MEETING**

AGENDA

Wednesday, February 2, 2005 at 5:00 PM

Key Largo Civic Club, 209 Ocean Bay Drive

Key Largo, FL

Charles Brooks

Gary Bauman

Andrew Tobin

Glenn Patton

Claude Bullock

Chairman

Vice Chairman

Secretary-Treasure

Commissioner

Commissioner

.....
Charles F. Fishburn

Thomas Dillon

Carol Simpkins

General Manager

District Counsel

Board Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS

E. CONSENT AGENDA

F. APPROVAL OF MINUTES

1. January 19, 2005

(Action)

TAB 1

G. PUBLIC COMMENT

H. COMMISSIONER ITEMS

- | | | |
|----|--|--------------|
| 2. | System Development Charge Funding, Commissioner Patton | TAB 2 |
| 3. | Federal Funding Update, Chairman Brooks <i>ACTION</i> | TAB 3 |
| 4. | Newspaper Articles, Chairman Brooks | TAB 4 |

I. FINANCIAL OFFICER'S REPORT

Financial Officer is on vacation until February 7, 2005.

J. LEGAL COUNSEL REPORT

- | | | | |
|----|--|-----------------|--------------|
| 5. | Florida Keys National Marine Sanctuary Advisory Council,
Alternate Citizen at Large | (Action) | TAB 5 |
| 6. | RESOLUTION NO. 02-02-05
RESOLUTION OF THE KEY LARGO WASTEWATER
TREATMENT DISTRICT REQUESTING OF MONROE
COUNTY REIMBURSEMENT FOR THE COST OF
SERVICES BY WEILER ENGINEERING TO PROVIDE A
REQUEST FOR QUALIFICATIONS FOR DESIGN OF A
WASTEWATER TREATMENT SYSTEM TO SERVE
LAKE SURPRISE AND SURROUNDING
COMMUNITIES: AND PROVIDING FOR AN EFFECTIVE
DATE. | (Action) | TAB 6 |

K. ENGINEERS REPORT

- | | | |
|----|-------------------------------|--------------|
| 7. | Monthly Status Report | TAB 7 |
| 8. | Lake Surprise/Sexton Cove SOQ | TAB 8 |

L. GENERAL MANAGER'S REPORT

- | | | |
|-----|---|-------------------------------|
| 9. | Phone service for new building | TAB 9 |
| 10. | Key Largo Park Update | TAB 10 |
| 11. | Rate Study | TAB 11 |
| 12. | Automotive Mileage for District Employees | (Action) TAB 12 |
| 13. | KLTV – KLP Airvac Service Assistance | (Action) TAB 13 |

ITEMS OF ONGOING CONCERN

1. Procedures
2. Agency Coordination

M. ADJOURNMENT

February 2, 2005

Call to order 5:05 pm

Pledge: Brooks

Roll Call

Member	Yes	No	Other	Present
Commissioner Andrew Tobin	✓			
Commissioner Gary Bauman	✓			
Commissioner Glenn Patton	✓			
Commissioner Claude Bullock	✓			
Chairman Charles Brooks	✓			

Approval of Agenda

GARY-

Chuck Under - Financial Haskell invoice I:

Action # 3

Take off MIN

Motion GARY

Second Claude

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Approval of Minutes 1.19.05

CONVERSATION OF FEDERAL FUNDING

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Public Comment

Pres. Key Largo Trailers & RV Association

1. STEVE CATACTOR, 105 Key
POMPHANT - CORAL DUST OUT OF CONTROL - EXTREMELY FINE
MUST BE CONTAMINATED. RUMBLE SCHEENS
DUST STILL SITTING SINCE STOPPED WORKING DAYS AGO
WATERING ROADS DOES NOT CONTROL DUST

CHUCK - BOTTOM LINE - HAVE VERBAL COMMITTEE ALL CONT OLD PATCH ON
FINISH UP IN 30 DAYS

ED - SOLUTION COVERING MATERIAL

RICHARD MORTON MO. CO. ROAD INSPECTOR - USE TO USE CALCIUM CHLORIDE.
IN 100 LB BAGS. HOLDS MOISTURE

CHUCK - CALCIUM CHLORIDE - SALT - RUMBLE CARS

BULLOCK - USE SALT WATER TO WATER DOWN & WILL KILL GRASS

CHUCK - WAIT & PETE AGREED TO COVER ROADWAY

2. ROBBIE BURTON 219 Allen Ave. - PAST PRES (PPE)
DID NOT REMOVE FENCE BEFORE DUMPING & TOP RAIL STICKING
UP IS SAFETY HAZARD

EGARY - PUBLIC SHOULD CALL OFFICE W/ PROBLEMS IMMEDIATELY
SCREENING (BLACK TARP) BLOWING AROUND

STEVE LIPPINS / FREDDIE & ANNE FOUNTAIN WILL ADDRESS CONCERN THURSDAY
LOT OF DUST. BAD SMELL

3. IREAN GATIS - 22 Ave B. (SNOW BIRD)

WHAT HAPPENING TO SEWER - CHUCK - PUT IN PIPES - THE DIG LINE TO
STREET

Commissioner Items

*New Paper ARTICLE
With Drew*

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Commissioner Items

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Commissioner Items

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

FINANCIAL OFFICER'S REPORT

INVOICE

Doesn't hear
 News Article { Andy - NOT COMMENT ANY MORE UNLESS HE SEES THE COMMENT
 Glenn - ARTICLE NOT CORRECT. DON'T BELIEVE EVERYTHING YOU READ
 GARY - DISAGREE w/ NON APPOINTMENT TAX - NOT WHAT CHARLIE SAID.
 HAGRELL DID NOT PUT AN INVOICE IN JAN FOR (DEC.) \$127,000

up to \$127,000
 have \$, ED, Chuck & Marty - Review BEFORE PAYMENT

Motion: GARY

Second G. Laude

Member	Yes	No	Other	Present
Commissioner Andrew Tobin	✓			
Commissioner Gary Bauman	✓			
Commissioner Glenn Patton	✓			
Commissioner Claude Bullock	✓			
Chairman Charles Brooks	✓			

9/10

2004 CAFR

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

LEGAL COUNSEL REPORT

ok

CITIZEN AT LARGE

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Resolution 2.2.05

Motion *Andy* ADD # of EDU + The Boundary Locatio
Second *Glenn*

Member	Yes	No	Other	Present
Commissioner Andrew Tobin	✓			
Commissioner Gary Bauman	✓			
Commissioner Glenn Patton	✓			
Commissioner Claude Bullock	✓			
Chairman Charles Brooks	✓			

9/0

Engineers Report

PARK- Higgin NOT WANTING TO DO WORK
CONTRACTOR ASK FOR EXTENSION Feb 9.

Village / AICUAE work Along a B&C

HASKELL Attempted dewater PLANT VACUUM SITE.

OKed TO DeWATER

CHARLIE - how FAR IN KCTU IN TRANSMISSION LINES 50% Done

CLAUDE - Sample FORMAT OF STREETS & WORK DONE
8-11 PAPER COPIES

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

General Manager's Report
Phone Service

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			

Key Largo Park Update

TALK ABOUT WHAT THEY WANT OUT OF COUNCIL
DO THEY WANT TO DO IT OR NOT

GARY GREAT LETTER

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Brooks			
Commissioner Bullock			
Commissioner Patton			
Chairman Bauman			

RATE STUDY

COST OF PLANTS ÷ TOTAL EDU'S - 1900 per EDU
400

Transm ÷ 7,000 EDUS
Collection ÷

9,000
11,000 per
EDU

Funding 50% -
60
70
75

53.31
4265
3199
2700

CHARRE-

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			

Mileage

ANDY - NO - Will become A policy

CLAUDE - sometimes BETTER off Lump Sum.

CHARLIE - Lacking DEFINITIVE, see NOTHING in WRITING

Motion

Glenn APPROVAL

Amend CONTRACT MILWAUKEE STATE
AT DISTRICT BUSINESS

Second

GARY APPROVE AMENDMENT

Member	Yes	No	Other
Commissioner Tobin	Inspector / no clerk		
Commissioner Bauman	✓		
Commissioner Bullock	✓		
Commissioner Patton	✓		
Chairman Brooks	✓		

Airline Service Assistance WAS going to do separately - But now
All in 1 Purchase Order (AIRVAC).

NEXT 1 - PLANT 191,000 Change order if not up 50% will
NOT BRING BACK TO BOARD,

Claude - IF CONTRACT Changes up or down should BRING
BACK TO BOARD

Motion

Second

Member	Yes	No	Other
Commissioner T...			
Commissioner Bauman			
Commissioner Bullock			
Commissioner P...			
Commissioner Brooks			

Member

Secretary

Member	Yes	No	Other
Commissioner			
Treasurer			
Commissioner			
Board Member			
Commissioner			
Board Member			
Commissioner			
President			
Chairman Brooks			

Member

Secretary

Member	Yes	No	Other
Commissioner			
Treasurer			
Commissioner			
Barbara			
Commissioner			
Bureau			
Commissioner			
Peoples			
Clarence Brooks			

)
Motion to adjourn:

GARY

Seconded by:

ANDY

Adjudgment:

Time ~~8:00~~ 8:57 PM

KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF
COMMISSIONERS MEETING

AGENDA

Wednesday, February 2, 2005 at 5:00 PM

Key Largo Civic Club, 209 Ocean Bay Drive

Key Largo, FL

Charles Brooks

Gary Bauman

Andrew Tobin

Glenn Patton

Claude Bullock

Chairman

Vice Chairman

Secretary-Treasure

Commissioner

Commissioner

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Charles F. Fishburn

Thomas Dillon

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Board Clerk

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ITEMS OF ONGOING CONCERN

1. Procedures
2. Agency Coordination

M. ADJOURNMENT

TAB 1

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. /

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA


☐ Other:

SUBJECT: Minutes of January 19, 2005 Board Meeting

RECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager

Date:

1-25-05 

Originating Department: Board Clerk	Costs: Approximately \$0 Funding Source: Acct. #	Attachments: Minutes of 1.19.05 meeting
Department Review: <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>C. J. Z.</u> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input checked="" type="checkbox"/> Clerk <u>es</u>	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

MINUTES

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

January 19, 2005
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on January 19, 2005 at 5:05 PM. Present were Chairman Charles Brooks, Commissioners, Andrew Tobin, Claude Bullock, Gary Bauman, and Glenn Patton. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, Finance Officer Martin Waits, and all appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda. Item 9, Rate Study, will be time specific to 6:30 PM; under Commissioner Items the website update, Federal funding update, current news articles and the BOCC meeting of 1.19.05 were added.

Motion: Commissioner Patton made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

MINUTES

Motion: Commissioner Patton made a motion to approve the Minutes of January 19, 2005. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

PUBLIC COMMENT: The following persons addressed the Commission: None

FINANCIAL OFFICER'S REPORT

Pending Payments

Financial Officer Martin Waits presented the pending payments schedule for January 19, 2005.

Motion: Commissioner Patton made a motion to approve the pending payments list subject to the availability of the funds for January 19, 2005. Commissioner Bauman made the second.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin		X	
Chairman Charles Brooks	X		

Motion passed 4 to 1

Commissioner Tobin stated that the reason he was voting against the approval was because there was no supporting documentation for the payment to the auditor.

2004 CAFR

Mr. Waits presented the CAFR information and asked the Commission to review the material and contact him with any concerns or suggestions.

Operating Budget Report

Financial Officer Martin Waits presented the current operating budget report.

Discussion of DCA Cesspits Grant Funds provided in the Inter-local Agreement

Mr. Waits explained that Mr. Garrett of the Monroe County Department of Marine Resources is working on changing the wording in the inter-local agreement for clarification.

District Counsel Thomas Dillon explained that the description of covered items (cesspits vs. illegal and inadequate onsite sewage treatment and disposal systems (OSTD's)) and the identification of the cesspits are the critical issues of the interpretation of the wording in the inter-local agreement, and amendment may be required in order to allow funds to be made available prior to decommissioning of OSTD's.

LEGAL COUNSEL REPORT

Mr. Dillon stated that the Loan Agreement pursuant to the Inter-Local Agreement effective February 26, 2003 is being sent to the County for execution.

ENGINEERS REPORT

Key Largo Trailer Village Project Update

Ed Castle, District Engineer, reported that the Key Largo Trailer Village Project has switched from Roevac to Airvac. The Vacuum System Pit is being worked on at the Treatment Plant site.

Lake Surprise / Sexton Cove RFQ

General Manager Charles Fishburn requested that the Board approve a request from him to send out a scope of work and a request to the eight engineers that are currently under contract with the District to update their SOQs. He will then review the returns and submit a recommendation to the Board on an engineering firm for the Lake Surprise/Sexton Cove Project.

Joe Paterniti of Brown and Caldwell addressed the Board and stated that he had hoped to receive a package for the Lake Surprise/Sexton Cove RFQ.

Motion: Commissioner Tobin made a motion to have Staff send out the SOQ's to the eight engineering firms that are currently under contract with the District and to have the General Manager start the recommendation process. The motion was seconded by Commissioner Bauman.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		

Commissioner Andrew Tobin	X		
Chairman Brooks Charles Brooks	X		

Motion passed 5 to 0

GENERAL MANAGER'S REPORT

Key Largo Park Update

District Counsel Thomas Dillon explained the District could procure substitute services without competition for two reasons: (1) Section 255 of the Florida Statutes allow procurement of substitute contractors without competition, and (2) Section 189 of the Florida Statutes allows special districts to procure services without competition if the special district finds that non-competitive procurement is in the best interests of the district. Mr. Dillon said that he believed both of these conditions to be satisfied. He suggested that the District asked for sealed proposals that will be firm for at least sixty days. He has drafted a letter to Higgins based on his understanding of what Higgins did in the letter to the District on January 6, 2005. The letter will let the District exercise their option to take over the work.

Motion: Commissioner Bauman made a motion to have Staff take steps to terminate the D. N. Higgins contract by sending out the letter saying that they are in default. The motion was seconded by Commissioner Tobin.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

RATE STUDY

Tony Hairston of PRMG called in by speaker phone to explain the proposal that PRMG had sent in.

Discussion with Mr. Hairston and the Board ensued.

Commissioner Patton stated that eventually for budgetary purposes the District is going to need \$25,000 of rate study analysis work from some rate study company and since the contract with PRMG can be terminated at any time he thinks that the District should approve PRMG for the entire \$25,000.

Motion: Commissioner Bauman made a motion to approve a contract with PRMG for \$25,000 for Rate Study work with the following conditions in the contract:

1. Method of invoicing will be detailed billing.
 2. Economy of scale.
 3. The model computer program will be furnished to the District to work with.
 4. Phase one will be the Letter to the County and Phase two the full report and they should not be worked on simultaneously.
- Commissioner Tobin seconded the motion.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

Chairman Brooks stated that the District will also establish a Wastewater Rules Committee consisting of Commissioner Patton, General Manager Charles Fishburn, District Counsel Thomas Dillon and District Engineer Ed Castle to revise the FKAA Policies and come up with a draft of policy and rules for the KLWTD.

COMMISSIONER'S ITEMS

Sexton Cove RFQ cost for County Reimbursements.

Commissioner Bauman reported that he had been in contact with Monroe County Commissioner Nelson regarding the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project. Commissioner Nelson is planning on taking the request to the County Commission next time it meets in Key Largo. Chairman Brooks reported that Commissioner Nelson had requested of him in a conversation that they had had, that the Board send a formal request to him to bring to the County Commissioner.

The Board directed Staff to draft a resolution requesting the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project.

) *Discussion on the policy and rules for Commissioner participation by phone at meetings.*
Board decided to allow telephonic participation at a Board meeting as long as a quorum is present and there are extenuating circumstances.

Discussion on a policy for approval on all public notices before they are released.
Commissioner Bauman withdrew this item

Website Update.
Commissioner Patton asked if any Board Member had a problem with the information that had been supplied to them. Since no one had an objection to the material Commissioner Patton will proceed to place the information on the website.

ADJOURNMENT

After a motion to adjourn by Chairman Brooks and a second by Commissioner Tobin the Board adjourned the meeting at 9:21 PM.

THE REST OF THIS PAGE WAS INTENTIONALLY LEFT BLANK

) The KLWTD meeting minutes of January 19, 2005 were approved on February 2, 2005.

Chairman Charles Brooks

Carol Simpkins, CMC
Board Clerk

TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 2

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: System Development Charge Funding

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. Patton
Date: 1-27-05

Originating Department: Commissioner Patton	Costs: Approximately \$ Funding Source: Acct.	Attachments:
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager <u>C. J. P.</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Commissioner Patton placed this item on the agenda.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 3

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Federal Funding Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager



Date: 1-27-05

Originating Department: Chairman Brooks	Costs: Approximately \$ Funding Source: Acct.	Attachments: 1. Article about Smallest city to get most cash for sewers. 2. Email-recap of funding distribution.
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Chairman Brooks placed this item on the agenda.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

Smallest city to get most cash for sewers

FLORIDA KEYS
keysnews.com

BY LAURIE KARNATZ

Citizen Staff Jan 15, 2005

Monroe County's smallest city should get the largest share of federal funds appropriated for wastewater upgrades in the Florida Keys during the 2005 fiscal year, Keys officials decided Friday.

Congress appropriated \$2.25 million for Keys water quality projects in the most recent federal budget. Of that, \$1.9 million will actually get funneled to Keys projects. The money is appropriated through the U.S. Army Corps of Engineers.

The decision on divvying up the funds came during a Friday meeting of the Florida Keys Water Quality Improvement Program and its affiliated Program Delivery Team, which by law is responsible for overseeing federal spending on water quality upgrades in the Keys.

During the meeting, held in Marathon, officials from most Keys governments — Monroe County Commission wastewater liaison Charles "Sonny" McCoy was absent — approved division of the \$1.9 million, with \$800,000 of that going to Layton. The city's \$5.3 million sewage treatment plant is scheduled for groundbreaking by the end of February.

An equal division of the money, said consultant Trish Carney, would have been welcome by all Keys governments, but might not provide the "bang for the buck" needed to keep federal funds coming.

"I think it's important that we turn dirt and show completed projects," said Cecelia Weaver, the Keys staffer for the South Florida Water Management District, which is the Corps' state partner on the wastewater program.

Based on the agreement, the city of Key West will receive \$400,000, while Islamorada, Marathon and Key Largo will each receive \$233,000.

Layton officials said they were thrilled with the outcome. Wastewater liaison Norman Anderson said he feared the Long Key city would lose \$3.3 million in state funds pledged for the project if the \$800,000 in federal funding was not approved. That funding is contingent on groundbreaking

before March 1.

The division of funding is based on a formula created in 2000 by the county's Intergovernmental Task Force, which was praised by participants in Friday's meeting. That praise came despite a new Committee of Mayors, formed by state Rep. Ken Sorensen and County Commissioner Murray Nelson, which has usurped the old task force's responsibilities.

Participants at the meeting also expressed concern that their group faced the same fate.

"The concept of the government getting together and working through issues is essential," said Key West Utilities Director David Fernandez. "We can't let this be usurped."

Shelley Trulock, project manager for the U.S. Army Corps of Engineers, said it would take an act of Congress for that to happen.

Under the Florida Keys Water Quality Improvement Act of 2000, the Corps was given oversight of Keys water quality improvements. The South Florida Water Management District provides state oversight.

Voting is limited to Keys elected officials or their representatives. The funding decision still needs ratification by each elected body.

lkarnatz@keysnews.com

\$500,000

Subj: Re-cap of funding distribution from our 14 Jan 2005 team meeting
Date: 1/18/2005 10:41:56 AM Eastern Standard Time
From: Shelley.F.Trulock@saj02.usace.army.mil
To: rebarman1@aol.com, jebartus@bellsouth.net, cbrooks442@aol.com, mayor@keycolonybeach.net, dfernand@keywestcity.com, jetton@mail.state.fl.us, kruczynski.bill@epamail.epa.gov, cindy.lawson@islamorada.fl.us, jreynolds@fkaa.com, gus.rios@dep.state.fl.us, roberts-jim@monroecounty-fl.gov, bobbisleighter@doh.state.fl.us, cweaver@sfwmd.gov
CC: Kimberly.Brooks-Hall@saj02.usace.army.mil, John.A.Pax@saj02.usace.army.mil, cweaver@sfwmd.gov, Thomas.StClair@saj02.usace.army.mil, pacarney@pbsj.com

Team, I wanted to provide everyone with a quick overview of what was discussed and ultimately decided on for distribution of our FY 05 funding. As we discussed Friday, we had 1.9M to distribute. Should you have any questions or additional comments please let me know. THANKS, Shelley

Municipality	2005 Funding Distribution		FY 2004 Total Distribution (on paper)
Key Colony Beach	0	200K	200K (100%)
Layton	800K	0	800K (100%)
Key West	400K	100K	500K (4.8% distributed)
Islamorada	233K	267K	500K (1.7% distributed)
Marathon	233K	267K	500K (1.7% distributed)
Key Largo	233K	267K	500K (1.7% distributed)
	1.9M		

TAB 4

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 4

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Newspaper Articles

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. [Signature]

Date: 1-27-05

Originating Department: Chairman Brooks	Costs: Approximately \$ Funding Source: Acct.	Attachments: 1. Article on Board Chairman
Department Review: <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Chairman Brooks placed this item on the agenda.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

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CONTEMPORARY
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KEY LARGO

Board chairman says district in line for \$20 million for next sewer project

BY STEVE GIBBS

Free Press Staff

KEY LARGO — The Key Largo Wastewater Board is awaiting an infusion of \$20 million from Monroe County for its next big project, but an additional \$15 million might have to be collected from Key Largo homeowners to complete it, according to its chairman.

But, as with all promised money, nothing is yet set in stone.

With an eye toward the Lake Surprise and Sexton Cove subdivisions — the next project the wastewater district is scheduled to tackle — the board set in motion the means to impose a non-property-based tax at a special meeting Dec. 29, although board members mostly agree that it would not be used during 2005.

"The law requires that we notify [County Clerk] Danny Kolhage that we may intend to take action in 2005," Chairman Charles Brooks explained to about 20 members of the Key Largo Federation of Homeowner Associations last Wednesday.

"We're working with the county now on a \$20 million grant that will support the Lake Surprise and the Sexton Cove

projects."

The future project, slated to commence before the current projects for Key Largo Trailer Village and Key Largo Park are completed, is expected to cost \$35 million. The district expects to put the project out to bid by April, officials say.

According to Commissioner Murray Nelson, a total of \$40 million is to be bonded by Monroe County, \$20 million of which will go to the Florida Keys Aqueduct Authority for projects it is conducting in the Lower Keys. The other \$20 million would come to the Key Largo utility, but in the form of reimbursement money.

"We won't bond the money until [the Key Largo board] has a project," Nelson said. "It has to be out for bid and they have to enter into a contract. We're not going to bond the money if it's going to sit for two years."

But Commissioner Charles "Sonny" McCoy, wastewater liaison for Monroe County, said no money has been promised to Key Largo.

"The county will use that money for the best project at the appropriate time," he said. "There has been no specific action as to how the money will be divided. [The commission] will have to review every one of these projects."

Still, Brooks told the federation that the Key Largo district was "in line" for the money.

"We need \$15 million. That's one reason to move ahead with

a non-ad valorem tax," he said.

Board member Gary Bauman did not agree that laying the groundwork for another tax, in addition to the .35 mill already being assessed on property, was necessary.

"I completely disagree with that," he said. "There are many, many options available to this district and we are investigating all of them."

Bauman said money could be raised by borrowing against the hookup fees to be collected on 3,300 homes, 2,500 of which are in Sexton Cove and Lake Surprise.

He also suggested that grants, special assessments and an increase in system delivery fees were other possible methods of raising local money for future projects.

Board member Andy Tobin also questioned Brooks' figures.

"There are no reliable numbers from other agencies on the revenue-generating side," Tobin said. "[Brooks's] comments are theoretical, hypothetical and questionable."

Bauman voted against the non-ad valorem assessment after arriving late to the meeting on Dec. 29. Tobin was on vacation at the time and did not vote.

The board had to alert the clerk to the proposed assessment before the new year began. The vote to pass on the request to Kolhage's office was 3-1.

sgibbs@keysnews.com



Brooks

brief

Restricted boating

KEY LARGO — The Monroe County Department of Marine Resources last week established a boating restricted area at the bayside cove known locally as "Varadero Beach"

The "Motorboats Prohibited" zone was created by the Monroe County Commission last June to address the impacts created by large aggregations of power-boaters on weekends and holidays.

Both residents in the mile marker 95.5 area and county Marine Resources staff identified safety and environmental concerns that made it necessary

to restrict boating activities, said Rich Jones, senior marine planner.

Buoys and signage have been installed indicating that the area is now only accessible to non-motorized vessels such as canoes and kayaks.

The location is also designated as a stopover on the newly established Florida Keys Overseas Paddling Trail.

TAB 5

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 5

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM


☐ CONSENT AGENDA

☐ Other:

SUBJECT: Alternate position, Citizen at Large (Upper Keys) of the FL Keys National Marine Sanctuary Advisory Council.

RECOMMENDED MOTION/ACTION: Consent to District Counsel Thomas Dillon filling the position of Alternate, Citizen at Large (Upper Keys) of the FL Keys National Marine Sanctuary Advisory Council.

Approved by General Manager 
Date: 1-25-05

Originating Department: District Counsel	Costs: Approximately \$ Funding Source: Acct.	Attachments: None
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Mr. Dillon does not believe that there is a conflict of interest between the duties of the alternate position and his position as District Counsel. He would like the Board to discuss the question and consent to his filling the position if he is selected.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 6

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 6

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Lake Surprise/Sexton Cove RFQ cost for County Reimbursement Resolution

RECOMMENDED MOTION/ACTION: Approval of Resolution No. 02-02-05.

Approved by General Manager C. J. L.

Date: 1-25-05

Originating Department: Legal	Costs: \$0 Funding Source: Acct. #	Attachments: Resolution No. 02-02-05
Department Review: <input checked="" type="checkbox"/> District Counsel <u>T.D.</u> <input checked="" type="checkbox"/> General Manager <u>C. J. L.</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Resolution No. 02-02-05 was drawn up at the request of the Board at the January 19, 2005 Board meeting.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

RESOLUTION NO. 02-02-05

RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REQUESTING OF MONROE COUNTY REIMBURSEMENT FOR THE COST OF SERVICES BY WEILER ENGINEERING TO PROVIDE A REQUEST FOR QUALIFICATIONS FOR DESIGN OF A WASTEWATER TREATMENT SYSTEM TO SERVE LAKE SURPRISE AND SURROUNDING COMMUNITIES: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the long term effects of human waste seriously jeopardize the fragile health of the coral reef and supporting ecosystems of the Florida Keys; and

WHEREAS, the Key Largo Wastewater Treatment District (District) is a special district established under state law for the purpose of performing such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the district boundaries, which incorporate most of the island of Key Largo; and

WHEREAS, the District has procured the services of Weiler Engineering Corporation to prepare a Request for Qualifications (RFQ) to be distributed to the eight engineering firms now under contract to the District in order to begin the process of designing sewage collection, transmission, and treatment facilities to serve that portion of the District that is generally north of MM 100.5; and

WHEREAS, the RFQ has been completed and is in circulation, with an expected response date of February 11, 2005; and

WHEREAS, the District has obligated itself to pay Weiler Engineering Corporation the sum of \$84,835 for services in connection with the preparation of the RFQ, evaluation of qualifications, and design review; 2500

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT that:

Section 1. The Board of County Commissioners of Monroe County is requested to reimburse the District for the cost of the services to be provided by Weiler Engineering Corporation, in the amount of \$84,835, as described in Work Authorization No. WEC 04-02, a copy of which is attached hereto and incorporated herein by this reference.

Section 2. The District Clerk is directed to transmit copies of this resolution to each of the members of the Board of County Commissioners of Monroe County, Florida.

Section 3. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 2nd day of February 2005.

The foregoing RESOLUTION NO. 02-02-05 was offered by Commissioner

_____, who moved its approval. The motion was seconded by

Commissioner _____, and being put to a vote the result was as follows:

	AYE	NAY
Commissioner Gary Bauman	_____	_____
Commissioner Claude Bullock	_____	_____
Commissioner Glenn Patton	_____	_____
Commissioner Andrew Tobin	_____	_____
Chairman Charles Brooks	_____	_____

The Chairman thereupon declared Resolution No. 02-02-05 duly passed and adopted the 2nd day of February 2005.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: _____
Chairman Charles Brooks

ATTEST:

Approved to as to form and legal sufficiency

Carol Simpkins, Clerk

District Counsel, Thomas Dillon

SEAL

TAB 7

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 17

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Monthly Status Report

RECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 1-27-04

Originating Department: Engineering	Costs: \$ Funding Source: Acct. #	Attachments: Mo. status report
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>EC</u> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



"Excellence in Engineering"

20020 Veterans Boulevard., Suite 7
Port Charlotte, FL 33954
(941) 764-6447 ph
(941) 764-8915 fax

Key Largo Wastewater Treatment District Engineering Status Report Period Ending 01/27/05

Client Issues

Key Largo Park

The Board directed the General Manager to send a letter to DN Higgins indicating that they are in default on the Key Largo Park contract. The letter was sent, but no response has yet been received from Higgins.

Staff was also directed to request sealed bids for unit pricing for the Key Largo Park project from two or more qualified contractors. Ed Castle modified the bid response form to more closely match the requirements of the project and drafted a memo advising the prospective bidders of changes in the bid form and pay items. After review by Staff, the memo and bid forms were sent out to two contractors with a letter inviting contractors to submit sealed pricing. The pricing is to be good for 90 days.

Key Largo Village

AirVac is working cooperatively with The Haskell Company in the change from a Roediger design of the vacuum collection system to an AirVac design. The designs are similar, but the profiles are somewhat different. AirVac has expedited production of design drawings in order to allow construction of the collection system to continue virtually uninterrupted. Additional revised drawings are being produced.

The design of the vacuum tank and pumping system must also be revised to reflect the AirVac equipment and layout. Work on this is continuing.

The Haskell Company attempted to dewater the excavation for the vacuum tank vault, but the percolation ponds were unable to handle all of the flow. At the January 5th progress meeting, construction of a temporary disposal well was discussed. The well was drilled on January 24th. It has not yet been determined if the well will accept the flow from the dewatering operation.

KLTV Treatment Plant

Mel Reinhart of the FDEP informed Ed Castle that after a review of the additional information supplied by Ted Hortenstine of Brown & Caldwell, he was satisfied that Class I reliability was being met by the Fluidyne wastewater treatment plants. He intends to process the permit.

Ted Hortenstine indicated that the final design drawings for the wastewater treatment plant site were nearly complete. These drawings are to be submitted to the District Staff for review. After review, a final design review meeting will be held to resolve any issues that may need discussion.

Lake Surprise Project

The Board directed the General Manager to request updated qualifications from the eight engineering firms that have current contracts with the District. The qualifications are to be updated with the specific scope of work for design of the Lake Surprise project in mind. The qualifications will be reviewed by Ed Castle. Mr. Castle will summarize the qualifications in a memo to the General Manager. Based on these comments and his own review of the qualifications, the General Manager will rank the firms and make a recommendation to the Board to engage in negotiations with the top ranked firm.

Haskell Pay Applications

As of the time of this report, The Haskell Company had not submitted a pay application for work performed in December.

Regulatory Compliance Issues

Approval was received from the FDEP to continue dewatering at the WWTP site. Levels of petroleum contaminants in the groundwater were found to be below the levels of concern. Additional monitoring during the dewatering process was requested.

Project Team Meetings and Actions

Ed Castle attended the regularly scheduled Board meetings on January 5th and 19th. He also met with KLWTD staff on the 5th and 19th prior to the Board meetings. He attended the Army Corp funding meeting with Chuck Fishburn, Charlie Brooks and Claude Bullock on January 14th.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/5, 1/19 & 1/26.

TAB 8

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 8

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Sexton Cove / Lake Surprise RFQ

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 1-28-05

C. J. Z...

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments:
Department Review: <input checked="" type="checkbox"/> District Counsel <i>TD</i> <input checked="" type="checkbox"/> General Manager <i>C. J. Z...</i> <input type="checkbox"/> Finance _____	<input checked="" type="checkbox"/> Engineering <i>EC</i> <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The SOQ to the eight engineering firms that have contracts with the district have been sent out with responses due back February 9, 2005.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 9

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 9

- ☐ PUBLIC HEARING
 ☐ RESOLUTION
☐ DISCUSSION
 ☐ BID/RFP AWARD
☐ GENERAL APPROVAL OF ITEM
 ☐ CONSENT AGENDA
☒ Other:

SUBJECT: Phone Service

RECOMMENDED MOTION/ACTION:Approved by General Manager C. J. A.Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments: Memo
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. A.</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: When the District moves into the new building a phone system and phone service must be purchased. The one time charge for the phone system will be approximately \$2,000 and the three year phone contract will cost approximately \$10,000.

Resulting Board Action:☒ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

Memo

To: General Manager Charles Fishburn
From: Carol Simpkins, CMC
CC: File
Date: January 27, 2005
Re: Phones

The following information has been collected in response to my inquiries for a phone system for the new building. I had requested information on a system that had four lines, one for the fax machine, and three for the phones system in a hunting system, voice mail, and display phone with six phones.

Miami Business Telephone Corp.	\$3,056.30	Installed	1 yr. warranty
Telecom Logix	\$2,495		2 yr. warranty
Telephonesystems.com	\$2,480.99		1 yr. warranty
Global	4,287.20		5 yr. warranty
Cris Sante	\$2,000	Installed	No warranty

The monthly phone service for the four lines would run \$299.55 plus taxes per month.

A three year contract is required at a cost of approximately \$10,000.

*A.H.
Business*

MC-I

TAB 10

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 10

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

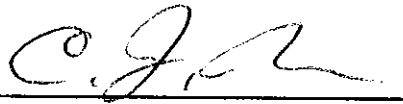
☐ Other:

SUBJECT: Key Largo Park Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 1-28-05



Originating Department: General Manager	Costs: \$ Funding Source: Acct. #	Attachments: Jan. 20 letter to Higgins Jan. 25 letter from Higgins One Year Notice
Department Review: <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>C.J.R.</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: "One Year Notice" to property owners in KLP will be mailed 2.3.05. Sealed bids have been requested to complete the KLP Project. A termination letter has been sent to D.N. Higgins. D.N. Higgins has responded to the termination letter and our Council has responded to that letter.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**KEY LARGO WASTEWATER TREATMENT DISTRICT
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
(305) 451-5105**

January 20, 2005

Daniel N. Higgins, Vice President
Douglas N. Higgins, Inc.
3390 Travis Pointe Road, Suite A
Ann Arbor, Michigan 48108
Fax: 734-995-5480

Dobson-McOmber Agency, Inc.
P.O. Box 1348
Ann Arbor, Michigan 48106-1348
Fax 734-996-8480

Hartford Accident and Indemnity Co.
P.O. Box 3001
Troy, Michigan 48007

RE: Notice of Taking Over Work

VIA: Facsimile: 734-995-5480 and first class mail

Gentlemen:

The Key Largo Wastewater Treatment District hereby notifies you under Section 7.5 of that certain contract between the Key Largo Wastewater Treatment District ("District") and Douglas N. Higgins, Inc., dated June 25, 2003, that the District is taking over the Work due to Douglas N. Higgins, Inc.'s neglect to prosecute the work, effective February 1, 2005. More particularly, Douglas N. Higgins, Inc. ("Higgins") has failed and refused to provide the District, despite repeated requests, a substantive response to the District's request of October 5, 2004, to provide information relative to the District's Notice to Proceed.

Following is a brief summary of the facts leading to the District's decision to take over the work.

By letter dated October 5, 2004, the District gave Higgins a notice to proceed with the work. However, because the design for the work had changed since the project contract was let, the District invited Higgins to provide input as to any changes in compensation and project timing that might be appropriate due to the changes. In that regard, the District said, in its letter of October 5, 2004:

Pursuant to the Contract, Paragraph 1.15, this notice to proceed is supposed to specify the date upon which Contract Time will begin to run. In addition, Paragraph 2.6 requires a Preconstruction Conference, and Paragraph 7.2 specifies preparation and submission of a project schedule for the work. However, we would like to cover the timing for those matters in the change order requested in the preceding paragraph.

It is the intent of the District to work cooperatively with Higgins and to accommodate Higgins's reasonable requirements in accomplishing the work in an expeditious manner. After you have completed your review of the revised plans and specifications, please contact me so that we can finalize these matters. I am hopeful that you will be able to do so within ten working days from the date of this letter; if that is not possible, please let me know when you will be in a position to proceed.

By November 5, 2004, the District had received no response from Higgins. Therefore, the District sent a second notice to Higgins. In that letter, the District advised Higgins that:

Although Walt Messer of your company has been intimately involved in the planning and design for Key Largo Park, and has met with me twice to review aspects of this project, we have had no written response from you regarding timing, cost, or other issues to be addressed in response to our recent letter.

Please be advised that we need a substantial written response from you on this project by November 12, 2004.

By letter of November 4, 2004, Higgins advised the District that:

We are now in receipt of marked up revised plans for the Key Largo Park project. We can now prepare a change order request to detail changes in compensation, and project timing. We have a target date to submit a change order request of November 24, 2004. Once a change order is agreed to by both parties we will accept a Notice to Proceed date.

On December 9, 2004, having received no change order request or other responses from Higgins, the District wrote:

The District has made every effort to address issues with you in a reasonable manner. Your lack of communication seems to indicate your intent to abandon of the contract, which would justify action by the District under Paragraphs 7.5 and 7.6.

However, before taking such drastic action, the District is willing wait until 4:00 p.m., EST, on Friday, December 17, 2004, to give you a further opportunity to provide the information promised in your letter of November 12. If the information is not received by that time, the District will take such other and further action as it may deem necessary, including, without limitation, taking over the work or transferring it to the surety.

On December 17, 2004, Higgins wrote to say that Higgins could not provide a substantive response, claiming that it was uncertain which vacuum pump supplier the District will choose for the project.

On December 28, 2004, the District responded:

I am somewhat confused by your request. Your letter of November 12, 2004 promised a change order proposal by November 24, 2004, and did not express any concerns about the vacuum pump supplier or the plans. However, to respond to your request, the vacuum pump supplier is AirVac; please base your change order proposal on the updated plans already in your possession as of November 12,

2004, substituting the Airvac pits and valves for the Roevac pits and valves. Note that since your original bid for this work specified Airvac, I do not believe that your submittal should require much effort, and I do not expect to see changes from the unit prices in your bid. If your proposal includes such changes, I will expect a written narrative explaining why you believe that Higgins is entitled to them.

Please provide your proposal by 3:00 p.m. on January 7, 2005. If it is not received by that date and time, the District intends to exercise its rights to terminate the contract for failure to prosecute the work.

On January 7, 2005, Higgins responded with a proposal to increase contract compensation by about ten percent due to alleged delays in the project.

This issue of delay costs had been laid to rest by the District, in July, 2004, when Higgins first proposed increased costs due to alleged delays. At that time, the District advised Higgins that (1) there had been no delay in the project because construction could not start until after approval of federal funding for a neighboring project, and (2) the contract between the District and Higgins provides, at Section 7.7 that:

It is expressly agreed that the Contractor's right to seek an extension of time as provided in this Article is the Contractor's sole and exclusive remedy in the event of a delay and that in no event shall the Contractor be entitled to recover damages for any delay, regardless of the cause or causes for such delay.

As a result, the District rejected Higgins's claim for delay damages at the time it was first made. Higgins did not respond to the District's denial of the claim, and has never alleged any facts that would support such a claim.

In summary, Higgins apparently has no intent to perform the contract or to comply with its terms. Despite repeated requests and threats over the course of three months, Higgins has not provided a response to the District's request to propose a change order based on the changes in the plans. Instead, Higgins has restated a claim for delay damages, despite the clear provision of the contract that Higgins was not entitled to damages for delay, and despite the District's unequivocal denial of that claim in July of 2004.

As promised in its letter of December 28, 2004, the District is now terminating the contract for failure to prosecute. As provided in Section 7.5 of the contract, this action is without prejudice to any other right the District may have under the contract.

Sincerely,

Charles F. Fishburn, General Manger, KLWTD

CC: Key Largo Wastewater Treatment District Board
District Counsel Thomas M. Dillon

ATLANTA
MIAMI
ORLANDO
SEATTLE
TALLAHASSEE
TAMPA
WEST PALM BEACH

JARLTON FIELDS

ATTORNEYS AT LAW

Corporate Center Three
of International Plaza
4221 W. Boy Scout Boulevard
Tampa, Florida 33607-5716
P.O. Box 3229
Tampa, Florida 33601-0229

813-223-2000
813-229-4131 fax
www.jarltonfields.com

January 25, 2005

Charles F. Fishburn
General Manager
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

**VIA FACSIMILE
AND U.S. MAIL**

Re: Key Largo Park Project

Dear Mr. Fishburn:

Please be advised that this firm represents Douglas N. Higgins, Inc. with respect to the above-referenced project. I write in response to your correspondence of January 20, 2005. There are a few matters which should be brought to the attention of you or your counsel.

First, I have reviewed the correspondence exchanged between Higgins and the District with respect to this project. I have been unable to find any Notice to Proceed in the file. Unless I am mistaken, it appears that you take the position that your letter of October 5, 2004 constitutes a Notice to Proceed pursuant to the contract. We believe that this is error and that a fair reading of that letter expressly acknowledges that it is not a Notice to Proceed pursuant to the contract terms. It contemplates that an actual Notice to Proceed and contract schedule will be accomplished by a later change order.

Second, Higgins did request a change order on January 6, 2004. They enclosed the appropriate documentation which you requested.

Third, in addition to not having an actual Notice to Proceed, the project lacks constructible plans. The existing plans are not buildable in their current form. There are significant changes that must be provided by Airvac, now that the issue of the particular supplier has been settled. As you know, this is not a design build contract and Higgins is under no obligation to provide the design or design components of the project. Accordingly, we now have a project with no Notice to Proceed, no constructible plans, and no pre-construction conference where these issues could have been raised. These failures to comply with the contract are entirely unrelated to any actions of Higgins.

Charles F. Fishburn

January 25, 2005

Page 2

Fourth, it appears that the issue of material cost escalations is the major dispute between Higgins and the District. The extraordinary length of time between the bid process and actual construction is, for a lump sum unit price contract, highly unusual. Ordinarily, material escalation costs are dealt with through a Request For Equitable Adjustment when the later start date is due to the owner's actions. Your attempt to characterize these costs as delay damages is, we believe, in error. Delay damages, as contemplated by a "no damage for delay" contract provision are ordinarily costs associated with home office and jobsite overhead. Nonetheless, I trust you or your counsel is aware of the fact that, in Florida, two of the means by which such a clause is rendered unenforceable are (1) a delay beyond the contemplation of the parties at the time of contracting; and (2) a delay caused by the owner's interference or independent actions. Either of these exceptions to a no damage for delay clause would be applicable in the current case.

Finally, Higgins is surprised at the reaction of the District and the attempt to characterize the record in this matter as a delay due to Higgins' inaction. Higgins is willing and ready to perform its obligations under the contract, but asks that adequate assurances be given that appropriate compensation will be forthcoming for the material escalation costs. Higgins would like to at least arrange a meeting with you whereby these costs could be explained. We do not expect, and would not ask, to be compensated for anything other than the actual increased out-of-pocket costs associated with material. Similarly, we would not expect to be compensated for this without a requirement that we demonstrate conclusively those cost impacts to the owner. We would like to have a meeting to discuss the resolution of these issues in lieu of continuing this dispute. Higgins will not accept a termination for cause under the facts surrounding this dispute. We believe that such a termination would be wrongful and will result in litigation. It would be in everyone's best interest to meet and discuss alternative methods of resolving these issues.

Please do not hesitate to have your counsel contact the undersigned to arrange such a meeting.

Sincerely,



Paul J. Ullom

PJU:blh

cc: Dan Higgins

Hartford Accident and Indemnity Co.
P.O. Box 3001
Troy, Michigan 48007

KEY LARGO WASTEWATER TREATMENT DISTRICT
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
(305) 451-5105

KEY LARGO PARK WASTEWATER PROJECT
OFFICIAL ONE-YEAR NOTIFICATION

February 3, 2005

Dear Property Owner:

Our most recent records from the Monroe County Appraiser's Office show that you are a property owner of record in the area commonly known as Key Largo Park, Key Largo, Florida, and that the property is improved and served by an onsite sewage treatment and disposal system.

In accordance with Florida Law, you are hereby officially notified that a central sewer system shall be available to your property not less than one calendar year from the date of this Official One-Year Notification, shown above.

The Key Largo Wastewater Treatment District expects that construction of the system will begin in February 2005, and will be complete in March 2006.

You are responsible to connect to the operational sewer collection system within thirty calendar days of our official notification by the Key Largo Wastewater Treatment District that operational service is available, or within a timeframe officially specified by the Key Largo Wastewater Treatment District greater than thirty calendar days after such notification.

You will need to obtain a permit from the Monroe County Health Department for installation of a connection to our system and proper abandonment of your onsite sewage treatment and disposal system.

This Official One-Year Notification is certified to be in accordance with applicable law.

Yours,

Charles F. Fishburn
General Manager

TAB 11

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 11

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☐ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☒ Other:SUBJECT: Rate StudyRECOMMENDED MOTION/ACTION:Approved by General Manager C. J. FilDate: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. Fil</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: NGN and PRMG are working on their respective assignments to support the County Bond

Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

TAB 12

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 12

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> DISCUSSION | <input type="checkbox"/> BID/RFP AWARD |
| <input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: _____ | |

SUBJECT: Automotive Mileage for District Employees

RECOMMENDED MOTION/ACTION: Approve mileage on the Island of Key Largo for the Clerk and Inspector.

Approved by General Manager 

Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ _____ Funding Source: _____ Acct. # _____	Attachments
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.		Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Clerk and Inspector are required as part of their duties to drive on the Island of Key Largo for District business, their contracts do not allow for automobile mileage on the Island of Key Largo. This proposal is for the Clerk and Inspector to be paid for their mileage from the District Office to the job sites or other District related business on the Island.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 13

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 13

- [] PUBLIC HEARING [] RESOLUTION
[] DISCUSSION [] BID/RFP AWARD
[X] GENERAL APPROVAL OF ITEM [] CONSENT AGENDA
[] Other:

SUBJECT: KLTV-KLP Airvac Service Assistance

RECOMMENDED MOTION/ACTION: Approve \$30,000 for 18 weeks of Airvac field service.

Approved by General Manager 

Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments
Department Review: [X] District Counsel <u>TD</u> [X] General Manager <u>EC</u> [] Finance _____	[X] Engineering <u>EC</u> [] Clerk _____	Advertised: Date: _____ Paper: _____ [X] Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ Or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: No field service is provided for in the Haskell contract. Airvac offers an all inclusive price of \$30,000 for 18 weeks of field service for installation and start up.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF
COMMISSIONERS MEETING**

AGENDA

**Wednesday, February 2, 2005 at 5:00 PM
Key Largo Civic Club, 209 Ocean Bay Drive
Key Largo, FL**

Charles Brooks

Gary Bauman

Andrew Tobin

Glenn Patton

Claude Bullock

Chairman

Vice Chairman

Secretary-Treasure

Commissioner

Commissioner

.....
Charles F. Fishburn

Thomas Dillon

Carol Simpkins

General Manager

District Counsel

Board Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS

E. CONSENT AGENDA

F. APPROVAL OF MINUTES

1. January 19, 2005

(Action)

TAB 1

G. PUBLIC COMMENT

H. COMMISSIONER ITEMS

- | | | |
|----|--|--------------|
| 2. | System Development Charge Funding, Commissioner Patton | TAB 2 |
| 3. | Federal Funding Update, Chairman Brooks | TAB 3 |
| 4. | Newspaper Articles, Chairman Brooks | TAB 4 |

I. FINANCIAL OFFICER'S REPORT

Financial Officer is on vacation until February 7, 2005.

J. LEGAL COUNSEL REPORT

- | | | | |
|----|--|-----------------|--------------|
| 5. | Florida Keys National Marine Sanctuary Advisory Council,
Alternate Citizen at Large | (Action) | TAB 5 |
| 6. | RESOLUTION NO. 02-02-05
RESOLUTION OF THE KEY LARGO WASTEWATER
TREATMENT DISTRICT REQUESTING OF MONROE
COUNTY REIMBURSEMENT FOR THE COST OF
SERVICES BY WEILER ENGINEERING TO PROVIDE A
REQUEST FOR QUALIFICATIONS FOR DESIGN OF A
WASTEWATER TREATMENT SYSTEM TO SERVE
LAKE SURPRISE AND SURROUNDING
COMMUNITIES: AND PROVIDING FOR AN EFFECTIVE
DATE. | (Action) | TAB 6 |

K. ENGINEERS REPORT

- | | | |
|----|-------------------------------|--------------|
| 7. | Monthly Status Report | TAB 7 |
| 8. | Lake Surprise/Sexton Cove SOQ | TAB 8 |

L. GENERAL MANAGER'S REPORT

- | | | |
|-----|---|-------------------------------|
| 9. | Phone service for new building | TAB 9 |
| 10. | Key Largo Park Update | TAB 10 |
| 11. | Rate Study | TAB 11 |
| 12. | Automotive Mileage for District Employees | (Action) TAB 12 |
| 13. | KLTV – KLP Airvac Service Assistance | (Action) TAB 13 |

ITEMS OF ONGOING CONCERN

1. Procedures
2. Agency Coordination

M. ADJOURNMENT

TAB 1

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. /

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Minutes of January 19, 2005 Board Meeting

RECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager

Date: 1-25-05

C. J. Z.

Originating Department: Board Clerk	Costs: Approximately \$0 Funding Source: Acct. #	Attachments: Minutes of 1.19.05 meeting
Department Review: <input checked="" type="checkbox"/> District Counsel <i>TD</i> <input checked="" type="checkbox"/> General Manager <i>C. J. Z.</i> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <i>EC</i> <input checked="" type="checkbox"/> Clerk <i>ES</i>	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

MINUTES

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

January 19, 2005
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on January 19, 2005 at 5:05 PM. Present were Chairman Charles Brooks, Commissioners, Andrew Tobin, Claude Bullock, Gary Bauman, and Glenn Patton. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, Finance Officer Martin Waits, and all appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda. Item 9, Rate Study, will be time specific to 6:30 PM; under Commissioner Items the website update, Federal funding update, current news articles and the BOCC meeting of 1.19.05 were added.

Motion: Commissioner Patton made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

MINUTES

Motion: Commissioner Patton made a motion to approve the Minutes of January 19, 2005. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

PUBLIC COMMENT: The following persons addressed the Commission: None

FINANCIAL OFFICER'S REPORT

Pending Payments

Financial Officer Martin Waits presented the pending payments schedule for January 19, 2005.

Motion: Commissioner Patton made a motion to approve the pending payments list subject to the availability of the funds for January 19, 2005. Commissioner Bauman made the second.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin		X	
Chairman Charles Brooks	X		

Motion passed 4 to 1

Commissioner Tobin stated that the reason he was voting against the approval was because there was no supporting documentation for the payment to the auditor.

2004 CAFR

Mr. Waits presented the CAFR information and asked the Commission to review the material and contact him with any concerns or suggestions.

Operating Budget Report

Financial Officer Martin Waits presented the current operating budget report.

Discussion of DCA Cesspits Grant Funds provided in the Inter-local Agreement

Mr. Waits explained that Mr. Garrett of the Monroe County Department of Marine Resources is working on changing the wording in the inter-local agreement for clarification.

District Counsel Thomas Dillon explained that the description of covered items (cesspits vs. illegal and inadequate onsite sewage treatment and disposal systems (OSTD's)) and the identification of the cesspits are the critical issues of the interpretation of the wording in the inter-local agreement, and amendment may be required in order to allow funds to be made available prior to decommissioning of OSTD's.

LEGAL COUNSEL REPORT

Mr. Dillon stated that the Loan Agreement pursuant to the Inter-Local Agreement effective February 26, 2003 is being sent to the County for execution.

ENGINEERS REPORT

Key Largo Trailer Village Project Update

Ed Castle, District Engineer, reported that the Key Largo Trailer Village Project has switched from Roovac to Airvac. The Vacuum System Pit is being worked on at the Treatment Plant site.

Lake Surprise / Sexton Cove RFQ

General Manager Charles Fishburn requested that the Board approve a request from him to send out a scope of work and a request to the eight engineers that are currently under contract with the District to update their SOQs. He will then review the returns and submit a recommendation to the Board on an engineering firm for the Lake Surprise/Sexton Cove Project.

Joe Paterniti of Brown and Caldwell addressed the Board and stated that he had hoped to receive a package for the Lake Surprise/Sexton Cove RFQ.

Motion: Commissioner Tobin made a motion to have Staff send out the SOQ's to the eight engineering firms that are currently under contract with the District and to have the General Manager start the recommendation process. The motion was seconded by Commissioner Bauman.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		

Commissioner Andrew Tobin	X		
Chairman Brooks Charles Brooks	X		

Motion passed 5 to 0

GENERAL MANAGER'S REPORT

Key Largo Park Update

District Counsel Thomas Dillon explained the District could procure substitute services without competition for two reasons: (1) Section 255 of the Florida Statutes allow procurement of substitute contractors without competition, and (2) Section 189 of the Florida Statutes allows special districts to procure services without competition if the special district finds that non-competitive procurement is in the best interests of the district. Mr. Dillon said that he believed both of these conditions to be satisfied. He suggested that the District asked for sealed proposals that will be firm for at least sixty days. He has drafted a letter to Higgins based on his understanding of what Higgins did in the letter to the District on January 6, 2005. The letter will let the District exercise their option to take over the work.

Motion: Commissioner Bauman made a motion to have Staff take steps to terminate the D. N. Higgins contract by sending out the letter saying that they are in default. The motion was seconded by Commissioner Tobin.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

RATE STUDY

Tony Hairston of PRMG called in by speaker phone to explain the proposal that PRMG had sent in.

Discussion with Mr. Hairston and the Board ensued.

Commissioner Patton stated the eventually for budgetary purposes the District is going to need \$25,000 of rate study analysis work from some rate study company and since the contract with PRMG can be terminated at any time he thinks that the District should approve PRMG for the entire \$25,000.

Motion: Commissioner Bauman made a motion to approve a contract with PRMG for \$25,000 for Rate Study work with the following conditions in the contract:

1. Method of invoicing will be detailed billing.
 2. Economy of scale.
 3. The model computer program will be furnished to the District to work with.
 4. Phase one will be the Letter to the County and Phase two the full report and they should not be worked on simultaneously.
- Commissioner Tobin seconded the motion.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

Chairman Brooks stated that the District will also establish a Wastewater Rules Committee consisting of Commissioner Patton, General Manager Charles Fishburn, District Counsel Thomas Dillon and District Engineer Ed Castle to revise the FKAAs Policies and come up with a draft of policy and rules for the KLWTD.

COMMISSIONER'S ITEMS

Sexton Cove RFQ cost for County Reimbursements.

Commissioner Bauman reported that he had been in contact with Monroe County Commissioner Nelson regarding the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project. Commissioner Nelson is planning on taking the request to the County Commission next time it meets in Key Largo. Chairman Brooks reported that Commissioner Nelson had requested of him in a conversation that they had had, that the Board send a formal request to him to bring to the County Commissioner.

The Board directed Staff to draft a resolution requesting the reimbursement of the engineering cost for the Lake Surprise/Sexton Cove Project.

Discussion on the policy and rules for Commissioner participation by phone at meetings.
Board decided to allow telephonic participation at a Board meeting as long as a quorum is present and there are extenuating circumstances.

Discussion on a policy for approval on all public notices before they are released.
Commissioner Bauman withdrew this item

Website Update.

Commissioner Patton asked if any Board Member had a problem with the information that had been supplied to them. Since no one had an objection to the material Commissioner Patton will proceed to place the information on the website.

ADJOURNMENT

After a motion to adjourn by Chairman Brooks and a second by Commissioner Tobin the Board adjourned the meeting at 9:21 PM.

THE REST OF THIS PAGE WAS INTENTIONALLY LEFT BLANK

The KLWTD meeting minutes of January 19, 2005 were approved on February 2, 2005.

Chairman Charles Brooks

Carol Simpkins, CMC
Board Clerk

TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 2

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA


☐ Other:

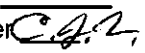
SUBJECT: System Development Charge Funding

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date:

1-27-05 

Originating Department: Commissioner Patton	Costs: Approximately \$ Funding Source: Acct.	Attachments:
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Commissioner Patton placed this item on the agenda.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 3

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Federal Funding Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager

C. J. Am...

Date: 1-27-05

Originating Department: Chairman Brooks	Costs: Approximately \$ Funding Source: Acct.	Attachments: 1. Article about Smallest city to get most cash for sewers. 2. Email-recap of funding distribution.
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Chairman Brooks placed this item on the agenda.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

Smallest city to get most cash for sewers

FLORIDA KEYS
keysnews.com

BY LAURIE KARNATZ

Citizen Staff Jan 15, 2005

Monroe County's smallest city should get the largest share of federal funds appropriated for wastewater upgrades in the Florida Keys during the 2005 fiscal year, Keys officials decided Friday.

Congress appropriated \$2.25 million for Keys water quality projects in the most recent federal budget. Of that, \$1.9 million will actually get funneled to Keys projects. The money is appropriated through the U.S. Army Corps of Engineers.

The decision on divvying up the funds came during a Friday meeting of the Florida Keys Water Quality Improvement Program and its affiliated Program Delivery Team, which by law is responsible for overseeing federal spending on water quality upgrades in the Keys.

During the meeting, held in Marathon, officials from most Keys governments — Monroe County Commission wastewater liaison Charles "Sonny" McCoy was absent — approved division of the \$1.9 million, with \$800,000 of that going to Layton. The city's \$5.3 million sewage treatment plant is scheduled for groundbreaking by the end of February.

An equal division of the money, said consultant Trish Carney, would have been welcome by all Keys governments, but might not provide the "bang for the buck" needed to keep federal funds coming.

"I think it's important that we turn dirt and show completed projects," said Cecelia Weaver, the Keys staffer for the South Florida Water Management District, which is the Corps' state partner on the wastewater program.

Based on the agreement, the city of Key West will receive \$400,000, while Islamorada, Marathon and Key Largo will each receive \$233,000.

Layton officials said they were thrilled with the outcome. Wastewater liaison Norman Anderson said he feared the Long Key city would lose \$3.3 million in state funds pledged for the project if the \$800,000 in federal funding was not approved. That funding is contingent on groundbreaking

before March 1.

The division of funding is based on a formula created in 2000 by the county's Intergovernmental Task Force, which was praised by participants in Friday's meeting. That praise came despite a new Committee of Mayors, formed by state Rep. Ken Sorensen and County Commissioner Murray Nelson, which has usurped the old task force's responsibilities.

Participants at the meeting also expressed concern that their group faced the same fate.

"The concept of the government getting together and working through issues is essential," said Key West Utilities Director David Fernandez. "We can't let this be usurped."

Shelley Trulock, project manager for the U.S. Army Corps of Engineers, said it would take an act of Congress for that to happen.

Under the Florida Keys Water Quality Improvement Act of 2000, the Corps was given oversight of Keys water quality improvements. The South Florida Water Management District provides state oversight.

Voting is limited to Keys elected officials or their representatives. The funding decision still needs ratification by each elected body.

lkarnatz@keysnews.com

\$500,000

Subj: Re-cap of funding distribution from our 14 Jan 2005 team meeting
Date: 1/18/2005 10:41:56 AM Eastern Standard Time
From: Shelley.F.Trulock@saj02.usace.army.mil
To: rebarman1@aol.com, jebartus@bellsouth.net, cbrooks442@aol.com, mayor@keycolonybeach.net,
dfernand@keywestcity.com, jetton@mail.state.fl.us, kruczynski.bill@epamail.epa.gov,
cindy.lawson@islamorada.fl.us, jreynolds@fkaa.com, gus.rios@dep.state.fl.us, roberts-jim@monroecounty-fl.gov, bobbisleigher@doh.state.fl.us, cweaver@sfwmd.gov
CC: Kimberly.Brooks-Hall@saj02.usace.army.mil, John.A.Pax@saj02.usace.army.mil,
cweaver@sfwmd.gov, Thomas.StClair@saj02.usace.army.mil, pacarney@pbsj.com

Team, I wanted to provide everyone with a quick overview of what was discussed and ultimately decided on for distribution of our FY 05 funding. As we discussed Friday, we had 1.9M to distribute. Should you have any questions or additional comments please let me know. THANKS, Shelley

Municipality	2005 Funding Distribution		FY 2004 Total Distribution (on paper)
Key Colony Beach	0	200K	200K (100%)
Layton	800K	0	800K (100%)
Key West	400K	100K	500K (4.8% distributed)
Islamorada	233K	267K	500K (1.7% distributed)
Marathon	233K	267K	500K (1.7% distributed)
Key Largo	233K	267K	500K (1.7% distributed)
	1.9M		

Tuesday, January 18, 2005 America Online: CBrooks442

TAB 4

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 4

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA


☐ Other:

SUBJECT: Newspaper Articles

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date:

1-27-05 

Originating Department: Chairman Brooks	Costs: Approximately \$ Funding Source: Acct.	Attachments: 1. Article on Board Chairman
Department Review: <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Chairman Brooks placed this item on the agenda.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

blue
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CONTEMPORARY
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Estate

Board chairman says district in line for \$20 million for next sewer project

BY STEVE GIBBS
Free Press Staff

KEY LARGO — The Key Largo Wastewater Board is awaiting an infusion of \$20 million from Monroe County for its next big project, but an additional \$15 million might have to be collected from Key Largo homeowners to complete it, according to its chairman.

But, as with all promised money, nothing is yet set in stone.

With an eye toward the Lake Surprise and Sexton Cove subdivisions — the next project the wastewater district is scheduled to tackle — the board set in motion the means to impose a non property-based tax at a special meeting Dec. 29, although board members mostly agree that it would not be used during 2005.

"The law requires that we notify [County Clerk] Danny Kolhage that we may intend to take action in 2005," Chairman Charles Brooks explained to about 20 members of the Key Largo Federation of Homeowner Associations last Wednesday.

"We're working with the county now on a \$20 million grant that will support the Lake Surprise and the Sexton Cove

projects."

The future project, slated to commence before the current projects for Key Largo Trailer Village and Key Largo Park are completed, is expected to cost \$35 million. The district expects to put the project out to bid by April, officials say.

According to Commissioner Murray Nelson, a total of \$40 million is to be bonded by Monroe County, \$20 million of which will go to the Florida Keys Aqueduct Authority for projects it is conducting in the Lower Keys. The other \$20 million would come to the Key Largo utility, but in the form of reimbursement money.

"We won't bond the money until [the Key Largo board] has a project," Nelson said. "It has to be out for bid and they have to enter into a contract. We're not going to bond the money if it's going to sit for two years."

But Commissioner Charles "Sonny" McCoy, wastewater liaison for Monroe County, said no money has been promised to Key Largo.

"The county will use that money for the best project at the appropriate time," he said. "There has been no specific action as to how the money will be divided. [The commission] will have to review every one of these projects."

Still, Brooks told the federation that the Key Largo district was "in line" for the money.

"We need \$15 million. That's one reason to move ahead with

a non-ad valorem tax," he said.

Board member Gary Bauman did not agree that laying the groundwork for another tax, in addition to the .35 mill already being assessed on property, was necessary.

"I completely disagree with that," he said. "There are many, many options available to this district and we are investigating all of them."

Bauman said money could be raised by borrowing against the hookup fees to be collected on 3,300 homes, 2,500 of which are in Sexton Cove and Lake Surprise.

He also suggested that grants, special assessments and an increase in system delivery fees were other possible methods of raising local money for future projects.

Board member Andy Tobin also questioned Brooks' figures.

"There are no reliable numbers from other agencies on the revenue-generating side," Tobin said. "[Brooks]'s comments are theoretical, hypothetical and questionable."

Bauman voted against the non-ad valorem assessment after arriving late to the meeting on Dec. 29. Tobin was on vacation at the time and did not vote.

The board had to alert the clerk to the proposed assessment before the new year began. The vote to pass on the request to Kolhage's office was 3-1.

sgibbs@keysnews.com

brief

Restricted boating

KEY LARGO — The Monroe County Department of Marine Resources last week established a boating restricted area at the bayside cove known locally as "Varadero Beach."

The "Motorboats Prohibited" zone was created by the Monroe County Commission last June to address the impacts created by large aggregations of power-boaters on weekends and holidays.

Both residents in the mile marker 95.5 area and county Marine Resources staff identified safety and environmental concerns that made it necessary

to restrict boating activities, said Rich Jones, senior marine planner.

Buoys and signage have been installed indicating that the area is now only accessible to non-motorized vessels such as canoes and kayaks.

The location is also designated as a stopover on the newly established Florida Keys Overseas Paddling Trail.

TAB 5

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 5

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

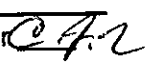
☐ CONSENT AGENDA

☐ Other:

SUBJECT: Alternate position, Citizen at Large (Upper Keys) of the FL Keys National Marine Sanctuary Advisory Council.

RECOMMENDED MOTION/ACTION: Consent to District Counsel Thomas Dillon filling the position of Alternate, Citizen at Large (Upper Keys) of the FL Keys National Marine Sanctuary Advisory Council.

Approved by General Manager 
Date: 1-25-05

Originating Department: District Counsel	Costs: Approximately \$ Funding Source: Acct.	Attachments: None
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Mr. Dillon does not believe that there is a conflict of interest between the duties of the alternate position and his position as District Counsel. He would like the Board to discuss the question and consent to his filling the position if he is selected.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 6

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 6

☐ PUBLIC HEARING

☒ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Lake Surprise/Sexton Cove RFQ cost for County Reimbursement Resolution

RECOMMENDED MOTION/ACTION: Approval of Resolution No. 02-02-05.

Approved by General Manager C. J. J.

Date: 1-25-05

Originating Department: Legal	Costs: \$0 Funding Source: Acct. #	Attachments: Resolution No. 02-02-05
Department Review: <input checked="" type="checkbox"/> District Counsel <u>T.D.</u> <input checked="" type="checkbox"/> General Manager <u>C. J. J.</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Resolution No. 02-02-05 was drawn up at the request of the Board at the January 19, 2005 Board meeting.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

RESOLUTION NO. 02-02-05

**RESOLUTION OF THE KEY LARGO WASTEWATER
TREATMENT DISTRICT REQUESTING OF MONROE
COUNTY REIMBURSEMENT FOR THE COST OF
SERVICES BY WEILER ENGINEERING TO PROVIDE A
REQUEST FOR QUALIFICATIONS FOR DESIGN OF A
WASTEWATER TREATMENT SYSTEM TO SERVE LAKE
SURPRISE AND SURROUNDING COMMUNITIES: AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the long term effects of human waste seriously jeopardize the fragile health of the coral reef and supporting ecosystems of the Florida Keys; and

WHEREAS, the Key Largo Wastewater Treatment District (District) is a special district established under state law for the purpose of performing such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the district boundaries, which incorporate most of the island of Key Largo; and

WHEREAS, the District has procured the services of Weiler Engineering Corporation to prepare a Request for Qualifications (RFQ) to be distributed to the eight engineering firms now under contract to the District in order to begin the process of designing sewage collection, transmission, and treatment facilities to serve that portion of the District that is generally north of MM 100.5; and

WHEREAS, the RFQ has been completed and is in circulation, with an expected response date of February 11, 2005; and

WHEREAS, the District has obligated itself to pay Weiler Engineering Corporation the sum of \$84,835 for services in connection with the preparation of the RFQ, evaluation of qualifications, and design review;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT that:

Section 1. The Board of County Commissioners of Monroe County is requested to reimburse the District for the cost of the services to be provided by Weiler Engineering Corporation, in the amount of \$84,835, as described in Work Authorization No. WEC 04-02, a copy of which is attached hereto and incorporated herein by this reference.

Section 2. The District Clerk is directed to transmit copies of this resolution to each of the members of the Board of County Commissioners of Monroe County, Florida.

Section 3. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 2nd day of February 2005.

The foregoing RESOLUTION NO. 02-02-05 was offered by Commissioner

_____, who moved its approval. The motion was seconded by

Commissioner _____, and being put to a vote the result was as follows:

	AYE	NAY
Commissioner Gary Bauman	_____	_____
Commissioner Claude Bullock	_____	_____
Commissioner Glenn Patton	_____	_____
Commissioner Andrew Tobin	_____	_____
Chairman Charles Brooks	_____	_____

The Chairman thereupon declared Resolution No. 02-02-05 duly passed and adopted the 2nd day of February 2005.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: _____
Chairman Charles Brooks

ATTEST:

Approved to as to form and legal sufficiency

Carol Simpkins, Clerk

District Counsel, Thomas Dillon

SEAL

TAB 7

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 7

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input checked="" type="checkbox"/> DISCUSSION
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Monthly Status Report

RECOMMENDED MOTION/ACTION: No action required

Approved by General Manager C. J. [Signature]
Date: 1-27-07

Originating Department: Engineering	Costs: \$ Funding Source: Acct. #	Attachments: Mo. status report
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised



"Excellence in Engineering"

20020 Veterans Boulevard., Suite 7
Port Charlotte, FL 33954
(941) 764-6447 ph
(941) 764-8915 fax

Key Largo Wastewater Treatment District Engineering Status Report Period Ending 01/27/05

Client Issues

Key Largo Park

The Board directed the General Manager to send a letter to DN Higgins indicating that they are in default on the Key Largo Park contract. The letter was sent, but no response has yet been received from Higgins.

Staff was also directed to request sealed bids for unit pricing for the Key Largo Park project from two or more qualified contractors. Ed Castle modified the bid response form to more closely match the requirements of the project and drafted a memo advising the prospective bidders of changes in the bid form and pay items. After review by Staff, the memo and bid forms were sent out to two contractors with a letter inviting contractors to submit sealed pricing. The pricing is to be good for 90 days.

Key Largo Village

AirVac is working cooperatively with The Haskell Company in the change from a Roediger design of the vacuum collection system to an AirVac design. The designs are similar, but the profiles are somewhat different. AirVac has expedited production of design drawings in order to allow construction of the collection system to continue virtually uninterrupted. Additional revised drawings are being produced.

The design of the vacuum tank and pumping system must also be revised to reflect the AirVac equipment and layout. Work on this is continuing.

The Haskell Company attempted to dewater the excavation for the vacuum tank vault, but the percolation ponds were unable to handle all of the flow. At the January 5th progress meeting, construction of a temporary disposal well was discussed. The well was drilled on January 24th. It has not yet been determined if the well will accept the flow from the dewatering operation.

KLTV Treatment Plant

Mel Reinhart of the FDEP informed Ed Castle that after a review of the additional information supplied by Ted Hortenstine of Brown & Caldwell, he was satisfied that Class I reliability was being met by the Fluidyne wastewater treatment plants. He intends to process the permit.

Ted Hortenstine indicated that the final design drawings for the wastewater treatment plant site were nearly complete. These drawings are to be submitted to the District Staff for review. After review, a final design review meeting will be held to resolve any issues that may need discussion.

Lake Surprise Project

The Board directed the General Manager to request updated qualifications from the eight engineering firms that have current contracts with the District. The qualifications are to be updated with the specific scope of work for design of the Lake Surprise project in mind. The qualifications will be reviewed by Ed Castle. Mr. Castle will summarize the qualifications in a memo to the General Manager. Based on these comments and his own review of the qualifications, the General Manager will rank the firms and make a recommendation to the Board to engage in negotiations with the top ranked firm.

Haskell Pay Applications

As of the time of this report, The Haskell Company had not submitted a pay application for work performed in December.

Regulatory Compliance Issues

Approval was received from the FDEP to continue dewatering at the WWTP site. Levels of petroleum contaminants in the groundwater were found to be below the levels of concern. Additional monitoring during the dewatering process was requested.

Project Team Meetings and Actions

Ed Castle attended the regularly scheduled Board meetings on January 5th and 19th. He also met with KLWTD staff on the 5th and 19th prior to the Board meetings. He attended the Army Corp funding meeting with Chuck Fishburn, Charlie Brooks and Claude Bullock on January 14th.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/5, 1/19 & 1/26.

TAB 8

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 8

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Sexton Cove / Lake Surprise RFQ

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 1-28-05

C. J. [Signature]

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments:
Department Review: <input checked="" type="checkbox"/> District Counsel <u>TO</u> <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance _____	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The SOQ to the eight engineering firms that have contracts with the district have been sent out with responses due back February 9, 2005.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 9

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 9

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input checked="" type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Phone Service

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. [Signature]
Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments: Memo
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: When the District moves into the new building a phone system and phone service must be purchased. The one time charge for the phone system will be approximately \$2,000 and the three year phone contract will cost approximately \$10,000.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

Memo

To: General Manager Charles Fishburn
From: Carol Simpkins, CMC
CC: File
Date: January 27, 2005
Re: Phones

The following information has been collected in response to my inquiries for a phone system for the new building. I had requested information on a system that had four lines, one for the fax machine, and three for the phones system in a hunting system, voice mail, and display phone with six phones.

Miami Business Telephone Corp.	\$3,056.30	Installed	1 yr. warranty
Telecom Logix	\$2,495		2 yr. warranty
Telephonesystems.com	\$2,480.99		1 yr. warranty
Global	4,287.20		5 yr. warranty
Cris Sante	\$2,000	Installed	No warranty

The monthly phone service for the four lines would run \$299.55 plus taxes per month.

A three year contract is required at a cost of approximately \$10,000.

TAB 10

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005

Agenda Item No. 10

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Key Largo Park Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 1-28-05



Originating Department: General Manager	Costs: \$ Funding Source: Acct. #	Attachments: Jan. 20 letter to Higgins Jan. 25 letter from Higgins One Year Notice
Department Review: <input checked="" type="checkbox"/> District Counsel <u>FD</u> <input checked="" type="checkbox"/> General Manager <u>C.J.R.</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: "One Year Notice" to property owners in KLP will be mailed 2.3.05. Sealed bids have been requested to complete the KLP Project. A termination letter has been sent to D.N. Higgins. D.N. Higgins has responded to the termination letter and our Council has responded to that letter.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**KEY LARGO WASTEWATER TREATMENT DISTRICT
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
(305) 451-5105**

January 20, 2005

Daniel N. Higgins, Vice President
Douglas N. Higgins, Inc.
3390 Travis Pointe Road, Suite A
Ann Arbor, Michigan 48108
Fax: 734-995-5480

Dobson-McOmber Agency, Inc.
P.O. Box 1348
Ann Arbor, Michigan 48106-1348
Fax 734-996-8480

Hartford Accident and Indemnity Co.
P.O. Box 3001
Troy, Michigan 48007

RE: Notice of Taking Over Work

VIA: Facsimile: 734-995-5480 and first class mail

Gentlemen:

The Key Largo Wastewater Treatment District hereby notifies you under Section 7.5 of that certain contract between the Key Largo Wastewater Treatment District ("District") and Douglas N. Higgins, Inc., dated June 25, 2003, that the District is taking over the Work due to Douglas N. Higgins, Inc.'s neglect to prosecute the work, effective February 1, 2005. More particularly, Douglas N. Higgins, Inc. ("Higgins") has failed and refused to provide the District, despite repeated requests, a substantive response to the District's request of October 5, 2004, to provide information relative to the District's Notice to Proceed.

Following is a brief summary of the facts leading to the District's decision to take over the work.

By letter dated October 5, 2004, the District gave Higgins a notice to proceed with the work. However, because the design for the work had changed since the project contract was let, the District invited Higgins to provide input as to any changes in compensation and project timing that might be appropriate due to the changes. In that regard, the District said, in its letter of October 5, 2004:

Pursuant to the Contract, Paragraph 1.15, this notice to proceed is supposed to specify the date upon which Contract Time will begin to run. In addition, Paragraph 2.6 requires a Preconstruction Conference, and Paragraph 7.2 specifies preparation and submission of a project schedule for the work. However, we would like to cover the timing for those matters in the change order requested in the preceding paragraph.

It is the intent of the District to work cooperatively with Higgins and to accommodate Higgins's reasonable requirements in accomplishing the work in an expeditious manner. After you have completed your review of the revised plans and specifications, please contact me so that we can finalize these matters. I am hopeful that you will be able to do so within ten working days from the date of this letter; if that is not possible, please let me know when you will be in a position to proceed.

By November 5, 2004, the District had received no response from Higgins. Therefore, the District sent a second notice to Higgins. In that letter, the District advised Higgins that:

Although Walt Messer of your company has been intimately involved in the planning and design for Key Largo Park, and has met with me twice to review aspects of this project, we have had no written response from you regarding timing, cost, or other issues to be addressed in response to our recent letter.

Please be advised that we need a substantial written response from you on this project by November 12, 2004.

By letter of November 4, 2004, Higgins advised the District that:

We are now in receipt of marked up revised plans for the Key Largo Park project. We can now prepare a change order request to detail changes in compensation, and project timing. We have a target date to submit a change order request of November 24, 2004. Once a change order is agreed to by both parties we will accept a Notice to Proceed date.

On December 9, 2004, having received no change order request or other responses from Higgins, the District wrote:

The District has made every effort to address issues with you in a reasonable manner. Your lack of communication seems to indicate your intent to abandon of the contract, which would justify action by the District under Paragraphs 7.5 and 7.6.

However, before taking such drastic action, the District is willing wait until 4:00 p.m., EST, on Friday, December 17, 2004, to give you a further opportunity to provide the information promised in your letter of November 12. If the information is not received by that time, the District will take such other and further action as it may deem necessary, including, without limitation, taking over the work or transferring it to the surety.

On December 17, 2004, Higgins wrote to say that Higgins could not provide a substantive response, claiming that it was uncertain which vacuum pump supplier the District will choose for the project.

On December 28, 2004, the District responded:

I am somewhat confused by your request. Your letter of November 12, 2004 promised a change order proposal by November 24, 2004, and did not express any concerns about the vacuum pump supplier or the plans. However, to respond to your request, the vacuum pump supplier is AirVac; please base your change order proposal on the updated plans already in your possession as of November 12,

2004, substituting the Airvac pits and valves for the Roevac pits and valves. Note that since your original bid for this work specified Airvac, I do not believe that your submittal should require much effort, and I do not expect to see changes from the unit prices in your bid. If your proposal includes such changes, I will expect a written narrative explaining why you believe that Higgins is entitled to them.

Please provide your proposal by 3:00 p.m. on January 7, 2005. If it is not received by that date and time, the District intends to exercise its rights to terminate the contract for failure to prosecute the work.

On January 7, 2005, Higgins responded with a proposal to increase contract compensation by about ten percent due to alleged delays in the project.

This issue of delay costs had been laid to rest by the District, in July, 2004, when Higgins first proposed increased costs due to alleged delays. At that time, the District advised Higgins that (1) there had been no delay in the project because construction could not start until after approval of federal funding for a neighboring project, and (2) the contract between the District and Higgins provides, at Section 7.7 that:

It is expressly agreed that the Contractor's right to seek an extension of time as provided in this Article is the Contractor's sole and exclusive remedy in the event of a delay and that in no event shall the Contractor be entitled to recover damages for any delay, regardless of the cause or causes for such delay.

As a result, the District rejected Higgins's claim for delay damages at the time it was first made. Higgins did not respond to the District's denial of the claim, and has never alleged any facts that would support such a claim.

In summary, Higgins apparently has no intent to perform the contract or to comply with its terms. Despite repeated requests and threats over the course of three months, Higgins has not provided a response to the District's request to propose a change order based on the changes in the plans. Instead, Higgins has restated a claim for delay damages, despite the clear provision of the contract that Higgins was not entitled to damages for delay, and despite the District's unequivocal denial of that claim in July of 2004.

As promised in its letter of December 28, 2004, the District is now terminating the contract for failure to prosecute. As provided in Section 7.5 of the contract, this action is without prejudice to any other right the District may have under the contract.

Sincerely,

Charles F. Fishburn, General Manger, KLWTD

CC: Key Largo Wastewater Treatment District Board
District Counsel Thomas M. Dillon

CARLTON FIELDS

ATTORNEYS AT LAW

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January 25, 2005

Charles F. Fishburn
General Manager
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

**VIA FACSIMILE
AND U.S. MAIL**

Re: Key Largo Park Project

Dear Mr. Fishburn:

Please be advised that this firm represents Douglas N. Higgins, Inc. with respect to the above-referenced project. I write in response to your correspondence of January 20, 2005. There are a few matters which should be brought to the attention of you or your counsel.

First, I have reviewed the correspondence exchanged between Higgins and the District with respect to this project. I have been unable to find any Notice to Proceed in the file. Unless I am mistaken, it appears that you take the position that your letter of October 5, 2004 constitutes a Notice to Proceed pursuant to the contract. We believe that this is in error and that a fair reading of that letter expressly acknowledges that it is not a Notice to Proceed pursuant to the contract terms. It contemplates that an actual Notice to Proceed and contract schedule will be accomplished by a later change order.

Second, Higgins did request a change order on January 6, 2004. They enclosed the appropriate documentation which you requested.

Third, in addition to not having an actual Notice to Proceed, the project lacks constructible plans. The existing plans are not buildable in their current form. There are significant changes that must be provided by Airvac, now that the issue of the particular supplier has been settled. As you know, this is not a design build contract and Higgins is under no obligation to provide the design or design components of the project. Accordingly, we now have a project with no Notice to Proceed, no constructible plans, and no pre-construction conference where these issues could have been raised. These failures to comply with the contract are entirely unrelated to any actions of Higgins.

Charles F. Fishburn

January 25, 2005

Page 2

Fourth, it appears that the issue of material cost escalations is the major dispute between Higgins and the District. The extraordinary length of time between the bid process and actual construction is, for a lump sum unit price contract, highly unusual. Ordinarily, material escalation costs are dealt with through a Request For Equitable Adjustment when the later start date is due to the owner's actions. Your attempt to characterize these costs as delay damages is, we believe, in error. Delay damages, as contemplated by a "no damage for delay" contract provision are ordinarily costs associated with home office and jobsite overhead. Nonetheless, I trust you or your counsel is aware of the fact that, in Florida, two of the means by which such a clause is rendered unenforceable are (1) a delay beyond the contemplation of the parties at the time of contracting; and (2) a delay caused by the owner's interference or independent actions. Either of these exceptions to a no damage for delay clause would be applicable in the current case.

Finally, Higgins is surprised at the reaction of the District and the attempt to characterize the record in this matter as a delay due to Higgins' inaction. Higgins is willing and ready to perform its obligations under the contract, but asks that adequate assurances be given that appropriate compensation will be forthcoming for the material escalation costs. Higgins would like to at least arrange a meeting with you whereby these costs could be explained. We do not expect, and would not ask, to be compensated for anything other than the actual increased out-of-pocket costs associated with material. Similarly, we would not expect to be compensated for this without a requirement that we demonstrate conclusively those cost impacts to the owner. We would like to have a meeting to discuss the resolution of these issues in lieu of continuing this dispute. Higgins will not accept a termination for cause under the facts surrounding this dispute. We believe that such a termination would be wrongful and will result in litigation. It would be in everyone's best interest to meet and discuss alternative methods of resolving these issues.

Please do not hesitate to have your counsel contact the undersigned to arrange such a meeting.

Sincerely,



Paul J. Ullom

PJU:blh

cc: Dan Higgins

Hartford Accident and Indemnity Co.
P.O. Box 3001
Troy, Michigan 48007

**KEY LARGO WASTEWATER TREATMENT DISTRICT
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
(305) 451-5105**

**KEY LARGO PARK WASTEWATER PROJECT
OFFICIAL ONE-YEAR NOTIFICATION**

February 3, 2005

Dear Property Owner:

Our most recent records from the Monroe County Appraiser's Office show that you are a property owner of record in the area commonly known as Key Largo Park, Key Largo, Florida, and that the property is improved and served by an onsite sewage treatment and disposal system.

In accordance with Florida Law, you are hereby officially notified that a central sewer system shall be available to your property not less than one calendar year from the date of this Official One-Year Notification, shown above.

The Key Largo Wastewater Treatment District expects that construction of the system will begin in February 2005, and will be complete in March 2006.

You are responsible to connect to the operational sewer collection system within thirty calendar days after official notification by the Key Largo Wastewater Treatment District that operational service is available, or within a timeframe officially specified by the Key Largo Wastewater Treatment District greater than thirty calendar days after such notification.

You will need to obtain a permit from the Monroe County Health Department for installation of a connection to our system and proper abandonment of your onsite sewage treatment and disposal system.

This Official One-Year Notification is certified to be in accordance with applicable law.

Yours,

Charles F. Fishburn
General Manager

TAB 11

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 11

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input checked="" type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Rate Study

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. [Signature]
Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: NGN and PRMG are working on their respective assignments to support the County Bond

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

TAB 12

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 12

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> DISCUSSION
<input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Automotive Mileage for District Employees

RECOMMENDED MOTION/ACTION: Approve mileage on the Island of Key Largo for the Clerk and Inspector.

Approved by General Manager

Date: 1-28-05

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Clerk and Inspector are required as part of their duties to drive on the Island of Key Largo for District business, their contracts do not allow for automobile mileage on the Island of Key Largo. This proposal is for the Clerk and Inspector to be paid for their mileage from the District Office to the job sites or other District related business on the Island.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 13

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: February 2, 2005 Agenda Item No. 13

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> DISCUSSION
<input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: KLTV-KLP Airvac Service Assistance

RECOMMENDED MOTION/ACTION: Approve \$30,000 for 18 weeks of Airvac field service.

Approved by General Manager

Date: 1-28-05



Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct. #	Attachments
Department Review: <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>EC</u> <input type="checkbox"/> Finance _____	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: No field service is provided for in the Haskell contract. Airvac offers an all inclusive price of \$30,000 for 18 weeks of field service for installation and start up.

Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised