Tuesday May 18, 2010 4:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

Norman Higgins Chair
Robert Majeska Vice Chair
Susan Hammaker Secretary-Treasurer
Andrew Tobin Commissioner
Charles Brooks Commissioner

Charles F. Fishburn General Manager
Thomas Dillon District Counsel
Carol Walker District 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 District Clerk at 305-43-804 at least 48 hours in advance to request accommodations.

A. CALL TO ORDER - PLEASE MUTE CELL PHONES

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

E. PUBLIC COMMENT

F. GENERAL MANAGER’S REPORT
   1. Basin JK Change Orders Action
   2. WWTP Change Order

KLWTD Agenda
May 18, 2010
KLWTD Agenda
May 18, 2010

3. Islamorada Inter-Local
4. Summer Interns

G. COMMISSIONER’S ITEMS
   5. Margaret Blank, Operations Manager
   6. Gift Policy
   7. Manson Group

H. BULK ITEMS
   8. Pending Payments for May 18, 2009

I. ENGINEER’S REPORT
   9. Status Report

J. FINANCIAL REPORT

K. LEGAL COUNSEL REPORT

L. COMMISSIONERS ROUNDTABLE

M. ADJOURNMENT
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: May 18, 2010

[ ] PUBLIC HEARING

[ ] DISCUSSION

[X] GENERAL APPROVAL OF ITEM

[ ] Other:

SUBJECT: Basin J K Change Order

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 5-13-10

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<thead>
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<td>[ ] Finance</td>
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Advertised:

Date: 

Paper: 

[X] Not Required

Summary Explanation/Background: Staff recommends awarding change order for Basin JK 1 and JK 2 to Metro Equipment. Metro Equipment has the South Transmission Line and these Basins include work in the US 1 Right of Way similar to South Transmission Line work.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
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**Total** | IS  | 4  | 25,300.00 | $61,900.00 | $87,200.00 | 20,500.00 | $68,400.00 | $88,900.00 | 30,500.00 | $38,900.00 | $78,400.00 | 30,500.00 | 30,500.00 | 30,500.00 | 30,500.00 | 30,500.00 | 30,500.00 | 30,500.00 | 30,500.00 |

**Estimated No. of EDUs** | IS  | 39 | $30,218.13 | $30,923.67 | $61,141.80 | $42,688.00 | $44,235.41 | $86,923.41 | $44,235.41 | $86,923.41 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 | $47,022.25 |

**Engineer’s Estimate** | IS  | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 | $1,957,463.00 |

**Percentage Below Engineer’s Estimate** | IS  | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% | 29% |
Meeting Date: May 18, 2010

[ ] PUBLIC HEARING
[X] DISCUSSION
[ ] GENERAL APPROVAL OF ITEM
[ ] Other:

SUBJECT: WWTP Change Order

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 5-13-10

Originating Department: General Manager
 Costs: Approximately $228,000
 Funding Source: Acct.

Department Review:
District Counsel
General Manager
Finance

[ ] Engineering
[ ] Clerk

Attachments: Letter

Advertised:
Date: 
Paper: 
[X] Not Required

Summary Explanation/Background: Staff has met with Wharton Smith to consider extended overhead costs associated with the 120 day delay in the wastewater treatment plant construction. Staff recommends the $228,000 for extended overhead costs.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
May 11, 2010

Charles F. Fishburn  
Key Largo Wastewater Treatment Dist  
98880 Overseas Highway  
(P.O. Box 491)  
Key Largo, FL 33037  

Re: Key Largo WWTF Expansion & Upgrade  
Design Clarifications  
Key Largo Wastewater Treatment District Letter, Dated January 25, 2010

Dear Charles F. Fishburn:

Wharton-Smith, Inc. has reviewed your request for our final determination on the cost for our extended overheads on the 120 calendar day extension to the contract. As previously indicated in our letter dated April 12, 2010, Wharton-Smith had accepted the District’s determination of $2,100 per day for the extended overheads. Wharton-Smith has further reviewed this matter and our final determination is as follows:

120 Calendar Days Extended to Contract * $1,900.00 per day for Extended Overheads = $228,000.00

Wharton-Smith is requesting a total $228,000.00 for our extended overheads on the 120 calendar day extension to the contract. Wharton-Smith has expended additional time, cost, management, overtime hours, etc. to bring this project to this stage and the tangible results are evident. Wharton-Smith is truly averaging an overhead cost more the aforementioned amount, however, as we value the relationship with District, we are receptive to accept this lower amount. Please accept this as Wharton-Smith final determination on the cost for the extended overheads.

Please feel free to contact me if you should have any questions.

Sincerely,

Wharton-Smith, Inc.

[Signature]
Joseph W. Carter  
Project Manager

cc: John French (Wharton-Smith, Inc.), Asif Shaikh (Wharton-Smith, Inc.)

file: 08-084/ C-08 #14
SUMMARY EXPLANATION/BACKGROUND: Attorney Doug Manson will discuss the potential Islamorada Inter-Local Agreement and CFO Marty Waits will discuss the methodology of the capital and flow charges involved in the inter-local with Islamorada.
Council Communication

Date: April 29, 2010

Subject: Term Sheet for an Inter-local Agreement for Wastewater Treatment between Islamorada, Village of Islands and the Key Largo Wastewater Treatment District

Background:
On January 23, 2009 the Village Council approved a Program Development Analysis Report which asserted the Village’s desire to utilize the Key Largo Wastewater Treatment District (“KLWTD”) for treatment and disposition of the Village’s wastewater. Toward that end, the Village’s staff and the staff of the KLWTD have held preliminary discussions concerning the business terms that would govern the relationship between the parties.

Analysis:
The attached document contains the preliminary business terms for an inter-local agreement between the Village and the KLWTD. This document does not contain any additional legal provisions that would be necessary and contained in the final agreement to be drafted by legal counsel for the Village and the KLWTD.

Key elements of the agreement are as follows:
- The agreement shall be for twenty years and renewable in ten year increments.
- The KLWTD shall provide a location for a Village booster pump station in Key Largo (cost of construction to be borne by the Village).
- Islamorada shall pay for wastewater treatment based on a schedule (Attachment A) based on total gallons treated. Once established, this schedule shall be changed based on a formula for the Consumer Price Index, the Producer Price Index for Chemicals, and the FKEC cost of energy.
- The Village shall pay $11.5 million for treatment plant capacity of 1.4 million gallons per day with an initial payment of $1.15 million and the balance paid over the initial term of the agreement.
- Responsibility for operation of the plant shall be solely that of the KLWTD including compliance with applicable state and federal laws.
• The costs of any future changes to the treatment plant to comply with new state or federal treatment requirements (but not normal repair and renovation) shall be shared by the Village and the KLWTD in proportion to the actual wastewater flow to the plant.

Budget Impact:
The cost of acquiring the necessary treatment capacity for treatment of the Village’s wastewater including the initial payment of $1.15 million and future annual payments can be made from the current or any future capital assessment. Timing of the annual payments can be adjusted in the final agreement to coincide with the actual flow of wastewater to the KLWTD. The cost of future construction of the supporting transmission infrastructure (booster pump stations and transmission mains) would be paid out of future borrowing or capital assessments.

Staff Impact:
The Village Manager, Village Attorney, Finance Director, and Director of Wastewater Utility will all be required to spend time negotiating and reviewing the final inter-local agreement before it is submitted to the Village Council and the Board of the KLWTD.

Recommendation:
It is recommended that the Village Council approve the proposed Term Sheet to serve as the basis of negotiations with the KLWTD for a final inter-local agreement.
Elements of an Inter-local Agreement for Wastewater Treatment between Islamorada, Village of Islands and the Key Largo Wastewater Treatment District

Term of the inter-local agreement to be twenty (20) years; either party may terminate the agreement at any time with thirty six (36) month notice to the other party. Agreement may be renewed in ten year increments by mutual agreement of the parties.

Islamorada shall build, operate and maintain any transmission facilities necessary to carry Islamorada wastewater from Tavernier Creek to the KLWTD treatment plant (“the plant”).

Islamorada shall deliver wastewater to the KLWTD treatment plant at the appropriate agreed upon pressure.

KLWTD shall not be responsible for any costs incurred by Islamorada for the construction, operation or maintenance of any facilities within Islamorada, Village of Islands.

KLWTD shall provide a location at no cost to Islamorada for a pump station at approximately MM94; collocation with the KLWTD pump station preferred.

Islamorada shall adopt such regulations as are necessary to assure compliance with pre-treatment requirements for operation of the KLWTD treatment plant in accordance with Florida Department of Environmental Protection (“FDEP”) discharge standards.

Islamorada shall pay a monthly treatment charge to KLWTD in accordance with the attached Potential Pricing of for KLWTD Treatment of Village Wastewater (Attachment A) per thousand gallons of wastewater treated based on the reading of a meter at the termination of the Islamorada transmission line at the KLWTD treatment plant. This charge covers all operating and maintenance costs (including repair and renovation) for treatment of wastewater delivered at the plant. The meter shall be recalibrated on an annual basis.

The treatment charge may be adjusted annually beginning with the third anniversary of this agreement as follows:

50% of the charge will be adjusted by the 12 months percentage change in the CPI-U, Ft. Lauderdale/Miami published most recently prior to the annual anniversary date of this agreement.
30% of the charge will be adjusted by the 12 months percentage change in the “Producer price indexes and percent changes for commodity and service groupings and individual items, not seasonally adjusted for Chlorine, Sodium Hydroxide and Other Alkalies” index published most recently prior to the annual anniversary date of this agreement.

20% of the charge will be adjusted by the 12 months percentage change in the price per kilowatt hour for the Florida Keys Electric Cooperative for the twelve month period prior to the annual anniversary date of this agreement.

Islamorada will pay a total of Eleven million five hundred thousand dollars ($11.5 million) to KLWTD to reserve treatment capacity at the KLWTD wastewater treatment plant.

Ten percent (10.0%) shall be paid upon signing of an inter-local agreement between the KLWTD and Islamorada;

The remaining balance shall be paid in fixed annual payments over the term of the inter-local agreement unless modified by mutual agreement of the parties.

Islamorada shall not be responsible for any other costs, levies, fines, penalties or charges resulting from the treatment of wastewater at the plant. This includes any fines, penalties or other charges imposed by FDEP, the federal Environmental Protection Agency or any other agency having jurisdiction for actions taken or not taken by KLWTD to maintain and assure compliance with applicable state and federal laws and regulations.

If changes in treatment technology are required by either Federal or State law, Islamorada shall not be responsible for any additional capital or operating charges unless agreed to by Islamorada and after sufficient opportunity to review and approve such changes in treatment technology and the associated capital and projected operating costs. The direct costs of such changes shall be apportioned in the same ratio as actual amounts of wastewater treated from each jurisdiction at the time of such technology change; KLWTD shall maintain a meter at its treatment plant measuring total flow to the plant for this purpose. Indirect costs shall not be included in such costs. In the event Islamorada and KLWTD do not agree on the proposed technology, capital costs or projected operating costs, then such matters shall be subject to arbitration.

KLWTD will guarantee sufficient capacity at its treatment plant at all times during the term of this agreement to treat all wastewater delivered by Islamorada but in any event, no less than 1.4 million gallons a day of wastewater as permitted by the FDEP upon completion of the Islamorada collection and transmission system. If KLWTD at any time does not have sufficient capacity at its treatment plant, or is placed under connection constraints by any agency for any reason, first priority for additional connections to the system shall be granted to Islamorada until such time as the plant and/or transmission capacity is increased as necessary to handle higher flows.
If KLWTD has to increase the capacity of its treatment plant to handle increased flows from Key Largo properties, Islamorada shall not be responsible for any capital or operating cost increase resulting from such expansion.

If the KLWTD for any reason has to increase the capacity of its treatment plant to handle increased flows, including projected flows from Islamorada exceeding 1.4 million gallons per day, then Islamorada shall not be responsible for any additional capital or operating charges unless agreed to by Islamorada and after sufficient opportunity to review and approve such capacity changes and the associated capital and projected operating costs. In the event Islamorada and KLWTD do not agree on the proposed changes, capital costs or projected operating costs, then such matters shall be subject to arbitration. Indirect costs shall not be included in such costs.

In the event that KLWTD does not provide treatment capacity sufficient to handle all Islamorada wastewater flows, and such lack of capacity leads to a denial or building permits or other governmental actions which adversely affect Islamorada, then KLWTD shall be responsible for any and all monetary damages resulting from such actions including but not limited to Administrative Relief costs and loss of Ad Valorem tax revenue.

KLWTD warrants that it will operate its treatment facilities at all times in accordance with applicable state and federal laws and regulations and will indemnify and hold harmless Islamorada from any adverse actions for such operations.

KLWTD will operate its wastewater treatment plant on a twenty four hour a day, 365 days per year basis except for such short term shut-downs for maintenance as are usual and customary for such plants. KLWTD will indemnify and hold harmless Islamorada from any and all damages that result from failure of the plant to operate at any time.

In the event of a hurricane evacuation order, KLWTD will continue operation of its treatment plant under normal circumstances as long as possible and shall provide the necessary operating and maintenance personnel with a refuge capable of withstanding a Class 5 hurricane so it is not necessary to evacuate such personnel.
## PROJECTED REGIONAL TREATMENT PLANT O&M COSTS

### Treatment Plant Operations

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**Total Treatment Cost**

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### Unit Cost Analysis

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<th>30,000,000</th>
<th>45,000,000</th>
<th>60,000,000</th>
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</thead>
<tbody>
<tr>
<td>Monthly Total Treatment Cost</td>
<td>$143,247</td>
<td>$164,830</td>
<td>$198,606</td>
<td>$239,851</td>
<td>$281,545</td>
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<tr>
<td>Cost per 1,000 Gals. Treated</td>
<td>$9.55</td>
<td>$7.33</td>
<td>$6.62</td>
<td>$5.33</td>
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<table>
<thead>
<tr>
<th>Cost per Average EDU:</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>EDU = 2010 gal/mo.</td>
<td>$19.20</td>
<td>$14.72</td>
<td>$13.31</td>
<td>$10.71</td>
<td>$9.43</td>
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<tr>
<td>(KLWTD Residential Experience)</td>
<td></td>
<td></td>
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<tr>
<td>EDU = 3,300 gal/mo.</td>
<td>$31.51</td>
<td>$24.18</td>
<td>$21.85</td>
<td>$17.59</td>
<td>$15.48</td>
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<tr>
<td>(KLWTD Nonresidential Experience)</td>
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<tr>
<td>EDU = 2,450 gal/mo.</td>
<td>$23.40</td>
<td>$17.95</td>
<td>$16.22</td>
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<tr>
<td>(KLWTD Combined Experience)</td>
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</table>
### Potential Pricing for KLWTD Treatment of Village Waste

Prepared by: Marty Waits  
Date: November 9, 2009

<table>
<thead>
<tr>
<th>Total Plant Flow Gallons Per Day</th>
<th>Total Plant Flow 1,000 Gallons per 30 day Month</th>
<th>Treatment Cost Billed ($ per 1,000 Gal.)</th>
<th>Monthly Cost per EDU, if EDU flow equals 2000 Gal</th>
<th>2500 Gal</th>
<th>3000 Gal</th>
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<tbody>
<tr>
<td>250,000</td>
<td>7,500</td>
<td>$13.23</td>
<td>$26.46</td>
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<td>$9.27</td>
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**Treatment Cost Billed:**  
Derived from Projected Regional Treatment Plant O&M Costs schedule  
provided to Cindy Lawson on October 29, 2009. Data points below fitted to  
exponential equation: Price = 6.5756 x Flow^ -0.5044

<table>
<thead>
<tr>
<th>Flow (mgd)</th>
<th>Cost ($/000 Gal)</th>
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<tbody>
<tr>
<td>0.50</td>
<td>$9.55</td>
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<td>0.75</td>
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<tr>
<td>1.00</td>
<td>$6.62</td>
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<tr>
<td>1.50</td>
<td>$5.33</td>
</tr>
<tr>
<td>1.75</td>
<td>$4.69</td>
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## KLWTD Regional Treatment Plant

### TOTAL COMPLETED COST ESTIMATE

<table>
<thead>
<tr>
<th>Cost Component</th>
<th>Cost</th>
<th>Basis for Cost</th>
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<tr>
<td>Land</td>
<td>$826,234</td>
<td>Acquisition value</td>
</tr>
<tr>
<td>Mitigation</td>
<td>423,797</td>
<td>Actual cost</td>
</tr>
<tr>
<td>Design &amp; Engineering</td>
<td>1,349,346</td>
<td>Arcadis Work Authorization - Complete</td>
</tr>
<tr>
<td>Deep Well</td>
<td>5,272,362</td>
<td>Younquist Construction Contract - Complete</td>
</tr>
<tr>
<td>Treatment Tanks</td>
<td>3,546,237</td>
<td>Precon Construction Contract - Complete</td>
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<tr>
<td>Plant Expansion</td>
<td>16,887,000</td>
<td>Wharton-Smith Construction Contract - 40%</td>
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<tr>
<td>Generator Change Order</td>
<td>400,000</td>
<td>Purchase Order Amount</td>
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<tr>
<td>Contingency</td>
<td>506,610</td>
<td>3% of Wharton Smith Contract amount</td>
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<tr>
<td>Construction Management</td>
<td>550,000</td>
<td>Estimate through completion - Weiler Engineering</td>
</tr>
<tr>
<td>District Staff &amp; Legal</td>
<td>450,000</td>
<td>Estimate through completion - District Staff</td>
</tr>
<tr>
<td>Plant Expansion to 3.45 mgd</td>
<td>2,767,727</td>
<td>Estimate by Weiler Engineering (10/08/09)</td>
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<tr>
<td><strong>Total Completed Cost</strong></td>
<td><strong>$32,979,313</strong></td>
<td>Estimate</td>
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## Village Compilation of Regional Plant Capacity Utilization

### Table: Regional Plant Capacity Utilization

<table>
<thead>
<tr>
<th>Area</th>
<th>Assessed EDUs</th>
<th>% of Total</th>
<th>Assessed EDUs &amp; Additional NPK Vacant Parcels</th>
<th>% of Total</th>
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</thead>
<tbody>
<tr>
<td>Key Largo</td>
<td>13,658</td>
<td>65%</td>
<td>13,658</td>
<td>60%</td>
</tr>
<tr>
<td>Islamorada</td>
<td>7,347 (1)</td>
<td>35%</td>
<td>9,005 (2)</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>21,005</td>
<td></td>
<td>22,663</td>
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</table>

<table>
<thead>
<tr>
<th>Area</th>
<th>Plant Cost Share ($M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Largo</td>
<td>21.5</td>
</tr>
<tr>
<td>Islamorada</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>33.0</td>
</tr>
</tbody>
</table>

---

(1) Sep 2009 - Remaining Service Areas Wastewater Improvements Assessment Program Report
(2) July 2009 - Village-Wide Wastewater Improvements Assessment Program Report
SUMMARY EXPLANATION/BACKGROUND: Summer Interns are available from Coral Shores High School. The District would benefit from the use of two recent college bound graduates.
TAB 2
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: May 18, 2010

[ ] PUBLIC HEARING

[ ] RESOLUTION

[X] DISCUSSION

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Margaret Blank Operations Manager

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 5-13-10

Originating Department: Commissioner Hammaker

Funding Source: 

Costs: Approximately

Attachments: Organizational Chart

Department Review:

[ ] District Counsel

[ ] Engineering

[ ] General Manager

[ ] Clerk

[ ] Finance

Advertised:

Date: 

Paper: 

[X] Not Required

Summary Explanation/Background: Margaret Blank has assumed the operations of the Wastewater Plant and Collection System.
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: May 18, 2010
Agenda Item No. 6

[ ] PUBLIC HEARING
[X] DISCUSSION
[ ] GENERAL APPROVAL OF ITEM
[ ] Other:

SUBJECT: Gift Policy

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 4-29-10

Originating Department:
Commissioner Tobin

Costs:
Funding Source:

Attachments: Rule Change form and Policy

Department Review:
[ ] District Counsel
[X] General Manager
[ ] Finance

[ ] Engineering
[ ] Clerk

Advertised:
Date: 
Paper: 
[X] Not Required

Summary Explanation/Background:

Resulting Board Action:
[ ] Approved
[ ] Tabled
[ ] Disapproved
[ ] Recommendation Revised
Rules & Regulations Change Form

Date: April 21, 2010

Agenda item #

Present Rule KLWTD

Proposed Rule or Change
Revise Article I, Section 1.14

Financial Impact of Proposed Rule or Change – input by
None.

People Most Affected by Proposed Rule or Change
District Employees

Precedent Affected by Proposed Rule or Change – input by
Gift Policy

General Positive Impact of Proposed Rule or Change
Avoids potential gifts

General Negative Impact of Proposed Rule or Change
None

Legal Considerations – input by District Counsel
Improves the delinquent account process

KLWTD Managers – Recommendation and Rationale
KLWTD Board Action

Approved Proposed Rules

With the following amendments:

Vote
C. Brooks
S. Hammaker
R. Majeska
A. Tobin
N. Higgins

Page 2 of 3
NO GIFT POLICY

Section 1.14 Gift Policy.

(a) An employee may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form.

(b) An employee may not participate directly or indirectly in any decision or matter in the following circumstances:

i) The Employee or a member of the Employee’s family has a financial interest in the decision or matter;

ii) A business or organization in which the Employee is involved has a financial interest pertaining to the matter;

(c) This section does not prohibit:

a. The solicitation or acceptance of anything of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the motivation for the transaction is unrelated to any procurement or program requirements with the District and is based upon a personal or family relationship;

b. The participation in the activities of, or the acceptance of an award for, a meritorious public contribution or achievement from a charitable, religious, professional, social, or fraternal organization, or from a non-profit educational, recreational, public service, or civic organization;

c. The acceptance of in-kind travel or reimbursement of travel expenses where the purpose of the travel is to investigate or evaluate technology, vendor resources, or other things reasonably appropriate to the function of the District.

(d) Upon discovery of an actual or potential conflict of interest, an Employee shall promptly file with the General Manager a written statement of disqualification and shall withdraw from further participation in the transaction involved. If the General Manager discovers an actual or potential conflict of interest, the General Manager shall provide the statement of disqualification to the District Board.

(e) For good cause, the General Manager may allow the Employee to participate in decisions or transactions, provided the Manager shall seek an advisory opinion from District Counsel and shall promptly notify the District Board.

(f) An employee that violates this Policy is subject to disciplinary action, including but not limited to oral or written reprimand, suspension, or dismissal as well as the loss of any benefits.
KEY LARGO WASTEWATER TREATMENT DISTRICT

**Agenda Request Form**

Meeting Date: May 18, 2010

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>[ ] PUBLIC HEARING</td>
<td>[ ] RESOLUTION</td>
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<tr>
<td>[X] DISCUSSION</td>
<td>[ ] BID/RFP AWARD</td>
</tr>
<tr>
<td>[ ] GENERAL APPROVAL OF ITEM</td>
<td>[ ] CONSENT AGENDA</td>
</tr>
<tr>
<td>[ ] Other:</td>
<td></td>
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**SUBJECT:** Manson Group

**RECOMMENDED MOTION/ACTION:**

Approved by General Manager

Date: 5-13-10

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<tr>
<th>Originating Department:</th>
<th>Costs: Approximately $20,000</th>
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<tr>
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<td>Funding Source:</td>
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<table>
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<tr>
<td>[ ] District Counsel</td>
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<td>[X] General Manager</td>
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<td>[ ] Finance</td>
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**Attachments:** Emails, Memo

**Advertised:**

- Date: [ ]
- Paper: [X] Not Required

**Summary Explanation/Background:**

**Resulting Board Action:**

- □ Approved
- □ Tabled
- □ Disapproved
- □ Recommendation Revised6
Tom Carol All

What do you mean here, the Board emphasized no legal cost at this time in reference to the mentioned retainer. It is specified in the minutes. You have apparently executed a retainer agreement that the board has not had an opportunity to review. I am totally unaware of what the rush is to incur additional attorney fees. Again the board was very specific about having a retainer with no immediate cost. However your e-mail to Nina and Doug appears to leave the door wide open for communications between Nina and Mr. Manson without board having approval of any expense that may be incurred. Your e-mail seems to leave the door open for Nina to begin communications with Mr. Manson at any time without any limitation to cost.

I'm very troubled that this executed a retainer agreement has not been presented to the Board in an open meeting. I know in our teleconference with Mr. Manson that I expressed to Mr. Manson the board did not wish to incur cost at this time. Your e-mail apparently opens the district to legal cost. Even to the point the board has not reviewed the retainer agreement and has no knowledge of the actual hourly cost. There have been some cost assumptions expressed, is that the way we're going to do business. From most recent e-mails Mr. Manson seems to be on the clock already.

Further in separating yourself from any further communications regarding interlocal negotiations and not having set up communication protocols referring to Mr. Manson's communications with the staff and the district board is not acceptable. Noting that this e-mail communication only a limited few of the board members on your e-mails list for distribution.

Please note that your contract (Mr. Dillon) has been reviewed regularly by the board, approved & signed with approval of the board. Why would we be doing this any differently as indicated in your e-mail to Nina and Doug.

Even more troubling you have opened the door for Nina (Islamorada) to communicate with Mr. Manson prior to Mr. Manson having met with the client (KLWTD Board) to iron out specific goals. Is it customary for the attorney to meet with the other side before meeting with the client.

Another point in reference to cost I believe the board directed you to ask your Manson whether he would accept a retainer without cost. I noted prior to the teleconference we had not received any indication from you regarding this matter. Also noting during the teleconference you did not pose the question to Mr. Manson. So I proffered the question retainer without cost. He did reply that he would not incur any cost at that time and the clock would not start until board said so, I'm assuming until the board authorized cost. But from all indications in your e-mail I can see cost incurring without board approval.

I would appreciate Tom if you would forward to all board members a copy of the retainer and answer questions regarding potential cost. And please reply on the issues above.

Portions of this e-mail were drafted prior to the most recent e-mails. Most specifically when Mr. Dillon's e-mails were only received by a few of the board members. In the meantime you have finally notified by e-mail all board members but the board members have not had open discussion on any of the issues. There are many factors that should to be openly discussed before any communications or negotiations with Islamorada takes place. There are major issues on conflicts of interest.

I am requesting all scheduled meetings with Islamorada be suspended.

Carol

Please include this item on the agenda for our May 18, 2010
may need to point out the issues may need to be discussed in closed session if legally possible
I really don’t like the closed session idea I believe the public has a right to know what’s going on.

Respectfully Submitted
Charles Brooks
Commissioner KLWTD
Nina and Doug,

The District executed a retainer agreement with the Manson Law Group yesterday. Doug will be the attorney representing the District henceforth with regard to any interlocal between the Village and the District.

Doug will keep the District apprised as to progress and developments.

I will not be involved in this process.

Tom

Thomas M Dillon PA
Board Certified in Construction Law
PO Box 370736
Key Largo, Florida 33037
Phone: 305-240-1767
Fax: 305-853-2693
Chuck,

From a budget perspective, two Professional Services expense items were budgeted, and are unexpended to date, as follows:

- 514002 - Legal Litigation Reserve $20,000
- 514007 - Project Planning Contingency $50,000

$70,000

From a cash perspective, essentially all Administrative & Project Development expenses are currently being funded by our $1.5 million Line of Credit (LOC) at TIB Bank. We are currently drawing $80,000 per month on the LOC, and have used $560,000 through April. This LOC will be repaid in 2012 with the operating surplus projected to be generated by operation of the new treatment plant during 2011, so eventually any Manson Group fees will be paid by monthly rates.

Marty

From: Cffishburn@aol.com
Sent: Thursday, May 13, 2010 8:53 AM
To: martinwaits@bellsouth.net
Subject: Manson Funding

Marty, Would you issue Memo on where the funding for the Manson Group would come from.

Charles F. Fishburn, General Manager
Key Largo Wastewater Treatment District
New Phone Number: 305-451-4019
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: May 18, 2010
Agenda Item No. 8

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

[ ] Other:

SUBJECT: Pending Payments Schedule

RECOMMENDED MOTION/ACTION: Approve Pending Payments schedule contingent upon availability of funds.

Approved by General Manager C. L. L. Date: 5-13-10

<table>
<thead>
<tr>
<th>Originating Department: Finance</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding Source:</td>
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<td>Acct. #</td>
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<thead>
<tr>
<th>Department Review:</th>
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<tbody>
<tr>
<td>[ ] District Counsel</td>
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<tr>
<td>[X] General Manager</td>
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<td>[ ] Finance</td>
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| [ ] Engineering  |
| [ ] Clerk  |

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<tr>
<th>Advertised:</th>
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<tr>
<td>Date:</td>
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<tr>
<td>Paper:</td>
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<tr>
<td>[X] Not Required</td>
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<tr>
<th>Attachments: Pending Payments Schedule</th>
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<tr>
<th>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.</th>
</tr>
</thead>
</table>

Yes I have notified everyone  
or  
Not applicable in this case  
Please initial one.

Summary Explanation/Background:

Pending Payments schedule for Board review and approval contingent upon availability of funds.

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
# Key Largo Wastewater Treatment District

## Payments Pending 05/18/2010
Prepared by: S.T. Lankford  Date: 05/13/2010

## CONSOLIDATED CASH BALANCE FORWARD

<table>
<thead>
<tr>
<th>Administration &amp; Operations</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Cash Balance A&amp;O Account Forward</td>
<td>$ (116,262.82)</td>
</tr>
<tr>
<td>Plus: Service Charges</td>
<td></td>
</tr>
<tr>
<td>Wastewater Service Revenue</td>
<td>4,707.26</td>
</tr>
<tr>
<td>Total Revenue:</td>
<td>11,295.38</td>
</tr>
</tbody>
</table>

Less: Administration

- State of Florida - Conference calling: 23.65
- Creative Services - Business cards: 40.00
- Toshiba Business Solutions - Copier Expense: 194.37
- Dean Weismantle - Cleaning Service: 130.00
- Forum Publishing - Legal Ads - Sun Sentinel: 222.50
- COBRA - Refunds for health premiums Bynum/Turick: 873.51
- Cooke Communications - Legal Advertisement: 732.26
- Paychex - Administrative Fees: 712.50
- Cynergy Consulting - Government Consulting Service: 3,000.00
- Nabors, Giblin & Nickerson - Legal Services (Special Assessment): 1,983.84
- Hicks-Richardson Associates - Lobbyist: 3,404.00

Less: Shared Expenses

- Keys Sanitary Service - Trash: 168.11
- Federal Express - Shipping costs: 135.05
- KLI - Supplies, Repairs and maintenance: 442.10
- Unifirst - Staff uniforms: 630.91
- Sprint-Nextel - Cellular services: 453.01
- TerraNova Net - Telephone and Internet services: 804.69
- Travelers Insurance - Flood renewals: 2,653.00
- Office Depot - Supplies - Cabinets, Toner, Inks, Paper: 1,222.62
- Staff Salaries including benefits: 56,090.64

Less: Operations

- Keys Supply - Supplies - Collection system: 54.65
- Bryant Answering Service - After hours service: 83.00
- Comcast - Cable services: 94.90
- NAPA Auto Parts - Vehicle expense: 185.99
- USA BlueBook - Lab Supplies: 162.22
- Sunshine State One Call - Location tickets: 118.04
- DuMont Chemical Co. - Chemicals Plant operations: 836.50
- Sanders Laboratories - Lab testing: 496.00
- Florida Keys Aqueduct Authority - Billing services: 750.07
- AmSoil - Synthetic Comp Oil - Maint. Vehicles/Plant/Vac Station: 1,108.59
- HD Supply Waterworks - Maintenance/Supplies Hook-ups: 1,882.40
- Xenco - Lab testing: 755.00
- FKEC - Electric - Vac Station D: 977.57
- Sweetwater Environmental - Sludge hauling: 2,400.00

Sub-total Invoices: 83,821.79

<table>
<thead>
<tr>
<th>Cash Balance A&amp;O Account If All Paid</th>
<th>$ (184,081.97)</th>
</tr>
</thead>
</table>

$(4,017,087.80)

$(67,819.15)
South Components
Cash Balance KLSC Account Forward $ (4,691,393.09)

Plus: No receipts
Sub-total Receipts -

Less: Mike Dempsey - Expense Report - Mileage 482.00
Mark Weis - Expense Report - Mileage 81.30
Ted Beighey - Expense Report - Mileage 375.50
David Molinedo - Expense Report - Mileage 65.55
Keys Sanitary Service - Trash 40.56
NAPA Auto Parts - Supplies 30.66
Sprint-Nextel - Cellular services 372.26
KLI - Supplies, Repairs and maintenance 177.56
Dean Weismantle - Cleaning Service 130.00
Weiler Engineering - App #18 - Design Basins I,J,K 22,713.50
Fountain Engineering - App #34 - Basin I-4 243,822.91
Redland Construction - App #8 - Basins E/F & Mini Vac 449,999.96
J.A. LaRocco Enterprises - App #33 - Basin I-3 287,404.78
Metro Equipment Service - App #4 - STM 515,211.53
Metro Equipment Service - App #17 - Basins G-1/H-1 376,422.09
Staff Salaries including benefits 70,014.71

Sub-total Invoices 1,517,344.91

Cash Balance KLSC Account If All Paid $ (6,208,738.00)

MC $20M Grant Draw #19 Submitted 03/03/10 $ 352,663
ACOE Grant Draw #11 Submitted 04/27/10 $ 648,357
MC $20M Grant Draw #20 Submitted 05/10/10 $ 193,483

North Components
Cash Balance KLNC Account Forward $ 790,568.11

Plus: No receipts
Sub-total Receipts -

Less: Mark Weis - Expense Report - Mileage 35.00
Tim Bricker - Expense Report - Mileage 221.50
KLI - Supplies, Repairs and maintenance 13.53
HD Supply Waterworks - Parts installation collection system 138.45
NAPA Auto Parts - Repairs and maintenance 243.15
Sprint-Nextel - Cellular services 174.43
Richard Sante - Grounds Maintenance - Vac Station A 400.00
Blaylock Oil Co. - Fuel Generator - Vac Station A 1,549.39
Cottrell Welding & Fabricating - Plates/Cover construction holes 3,300.00
FKEC - Electric deposit - Vac Station A 3,000.00
Fountain Engineering - App #34 - Basin C-3 94,459.46
Wharton Smith - App #16 - RTP Expansion 528,195.90
Metro Equipment Service - App #17 - Basin C-4 223,254.05
Staff Salaries including benefits 54,993.33

Sub-total Invoices 909,978.19

Cash Balance KLNC Account If All Paid $ (119,410.08)

MC $20M Grant Draw #19 Submitted 03/03/10 $ 547,424
ACOE Grant Draw #11 Submitted 04/27/10 $ 633,457
MC $20M Grant Draw #20 Submitted 05/10/10 $ 473,320

CONSOLIDATED CASH BALANCE IF ALL PAID $ (6,512,230.05)

NOTE: A TOTAL OF $2,848,617 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING

Approved for payment:

Norman Higgins, Chair
Susan Hammaker Secretary/Treasurer
KEY LARGO WASTE WATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: May 18, 2010

[ ] PUBLIC HEARING [ ] RESOLUTION

[x] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Monthly Projects Status Report

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

Date: 4-12-10

<table>
<thead>
<tr>
<th>Originating Department: Weiler Engineering</th>
<th>Costs: $</th>
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Department Review:

[ ] District Counsel

[ ] General Manager

[ ] Finance

[ ] Engineering

[ ] Clerk

Attachments:

Advertised:

Date: ________________

Paper: ________________

[X] Not Required

Summary Explanation/Background: A representative from Weiler Engineering will give a verbal monthly status report.

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised