AGENDA

Board of Commissioners Meeting
103355 Overseas Highway
Key Largo, FL 33037

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE
C. ROLL CALL

BOARD MEMBERS:
David Asdourian  Chairman
Andrew Tobin  Vice Chairman
Susan Heim  Commissioner
Stephen Gibbs  Commissioner

DISTRICT STAFF:
Paul Christian  General Manager
Ray Giglio  General Counsel
Katherine Jackson  District Clerk

MISSION STATEMENT:
“The Mission of the Key Largo Wastewater Treatment District is to preserve and protect the delicate ecosystem of the Florida Keys while providing exceptional customer service.”
Please mute cell phones
After each report, staff will give a verbal update and be available for questions

D. AGENDA ADDITIONS, CORRECTIONS OR DELETIONS
   1. Approval of Agenda  
      Action

E. RECOGNITION OF NORMAN PETER HIGGINS
   1. Proclamation in Memoriam Honoring the Life of Norman Higgins  
      Action

F. PUBLIC COMMENT

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
   1. Minutes of December 20, 2016  
      Action

H. LEGAL REPORT
   1. Discussion and Adoption of a Process to Fill Vacant Commissioner Seat  
      Action
   2. Resolution Adopting Board Practices and Policies  
      Action
      RESOLUTION DRAFT NO. 01-01-17

I. CONSTRUCTION REPORT
   1. Monthly Construction Report

J. OPERATIONS REPORT

K. ENGINEER’S REPORT

L. ADMIN / CUSTOMER SERVICE REPORT
   1. MCLA Conservation Waiver of Assessment – Lee Shores  
      Action
      RESOLUTION DRAFT NO. 02-01-17
      A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING THE REQUEST OF MONROE COUNTY LAND AUTHORITY FOR REMOVAL OF TWO TAX PARCELS AS CONSERVATION LAND FROM THE 2016 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

M. COMMISSIONER’S ITEMS
   1. Grievance Policy Amendment (Commissioner Tobin)

N. GENERAL MANAGER’S REPORT

O. BUDGET AND FINANCE REPORT

P. ROUNDTABLE DISCUSSION
   1. Unfinished Business

Q. ADJOURNMENT

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 305 451-4019 at least 48 hours in advance to request accommodations.
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 10, 2017

Agenda Item Number: E-1

Agenda Item Type: Resolution

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: Commissioner's Item

Sponsor: Chairman Asdourian

Subject: Proclamation in Memoriam Honoring the Life of Norman Higgins

Summary of Discussion:
Proclamation in Memoriam to honor the life of Commissioner Norman Higgins.

Reviewed / Approved
Operations: 
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
$ 0.00
Funding Source: 
Budgeted: N/A

Attachments
1. Proclamation in Memoriam

Approved By: General Manager

Date: 1/6/2017
PROCLAMATION IN MEMORIAM
Honoring the Life of Norman Higgins

WHEREAS, for the last ten years, Norman Higgins served the Key Largo Wastewater Treatment District with honor, distinction, and dedication as a member of its Board of Commissioners; and

WHEREAS, Norm’s whole life was dedicated to helping his family, his friends, his community, his country, and the residents of the District in any way that he could, with an ever-kind spirit and an always-jubilant heart; and

WHEREAS, on December 21, 2016, Norm departed this life and entered the realm of eternal peace and immortal happiness; and

WHEREAS, Norm will be missed by his wife Elaine, his three children, his granddaughter, his fellow Commissioners, and the many people in the Florida Keys, whose lives he touched and enriched.

NOW, THEREFORE, the Commissioners of the Key Largo Wastewater Treatment District do hereby extend their deepest sympathies to the family and friends of Norman Higgins for their loss. Norm’s passing has left us with a heartache that no one can heal. But his life has also left us with a joyous memory that no one can steal and that all who knew him will always feel.

Passed, adopted, and proclaimed by the Key Largo Wastewater Treatment District this 10th day of January, 2017.

David Asdourian, Chairman
Andrew Tobin, Commissioner
Stephen Gibbs, Commissioner
Sue Heim, Commissioner
Paul Christian, General Manager
Meeting Date: January 10, 2017

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Action

Department: District Clerk
Sponsor: Katherine Jackson

Subject: Minutes of December 20, 2016

Summary of Discussion:
Staff to present the minutes of the previous board meeting to the Board for approval.

Reviewed / Approved
Operations: [Signature]
Administration: [Signature]
Finance: [Signature]
District Counsel: [Signature]
District Clerk: [Signature]
Engineering: [Signature]

Financial Impact
Operations: $ 0.00
Billing Source: [Signature]
Budgeted: N/A

Attachments
1. Minutes of December 20, 2016

Approved By: [Signature] General Manager
Date: 1/6/2017
MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on December 20, 2016. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Susan Heim, and Stephen Gibbs. Commissioner Norman Higgins was absent. Also present were General Manager Paul Christian, General Counsel Ray Giglio, Ed Castle with Weiler Engineering, Peter Rosasco with Bishop, Rosasco & Co., District Clerk Katherine Jackson, and other appropriate District Staff.

Commissioner Sue Heim led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Heim added an update on Mr. Bob Manley – 563 Palm Drive under General Manager’s Report.
- Commissioner Tobin requested that the General Manager Employment Contract be moved to the middle meeting in January 2017 and that the General Counsel Employment Contract be moved to the middle meeting in February 2017.
- Mr. Paul Christian added January meetings under Commissioner’s Items and requested that the Board move FY16 Financial Reports after Approval of Minutes of Previous Meetings, and move Recognize District Staff to the next meeting.
- Chairman Asdourian added the General Manager and General Counsel employment contract extensions under Commissioner’s Items

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Name and Address  

Robby Majeska  
38 Mutiny Place  

Dottie Moses  
Key Largo, FL

Subject  

Public Comment  

Public Comment: Mr. Robby Majeska expressed his concern regarding a recent visit to the office.
Public Comment: Ms. Dottie Moses expressed her concerns regarding money spent by the commission.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Minutes of November 15, 2016

Motion: Commissioner Gibbs made a motion to approve the Minutes of December 6, 2016, and Commissioner Heim seconded the motion. The motion passed without objection.

BUDGET AND FINANCE REPORT

FY16 Financial Reports

Mr. Peter Rosasco presented the 2016 year-end financial report and answered questions from the Board.

CONSTRUCTION REPORT

Wharton-Smith, Inc. Change Order No. 4 for Vacuum Station “E” Tank Rehabilitation

Mr. Ed Castle presented Wharton-Smith, Inc. Change Order No. 4 for the Vacuum Station “E” Tank Rehabilitation project, which includes a financial impact of $1,785 and an additional 30 days to the contract duration.

Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to approve Wharton-Smith, Inc. Change Order No. 4 in an amount not to exceed $1,785.00 and Commissioner Heim seconded the motion.

Vote on Motion

Commissioner Gibbs – Aye
Commissioner Heim – Aye
Commissioner Tobin – Aye
Commissioner Higgins – Absent
Chairman Asdourian – Aye

Motion Passed: 4 to 0

Direct Purchase of Electric Valve Actuators for Blower Upgrade

Mr. Ed Castle presented a request for District direct purchase of six electric valve actuators for the WWTP Blower Upgrade Project in the amount of $36,634, which includes installation and startup by the Vendor.

Mr. Paul Christian informed the Board that Wharton-Smith, Inc. Change Order No. 4 for the WWTP Blower Upgrade project is a companion item to the direct purchase of the actuators. Mr. Christian explained that by the terms of Change Order No. 4 for the WWTP Blower Upgrade

KLWTD Minutes
December 20, 2016
project, Wharton-Smith, Inc. will provide the electrical connections and control programming for the six electric actuators, and that the financial impact will be $29,385.

Staff answered questions from the Board.

**Motion:** Commissioner Tobin made a motion to approve the direct purchase of the electric valve actuators in an amount not to exceed $36,634 and to approve Wharton-Smith, Inc. Change Order No. 4 for the WWTP Blower Upgrade project in an amount not to exceed $29,385 and Commissioner Gibbs seconded the motion.

**Vote on Motion**
- Commissioner Tobin – Aye
- Commissioner Gibbs – Aye
- Commissioner Heim – Aye
- Commissioner Higgins – Absent
- Chairman Asdourian – Aye

**Motion Passed: 4 to 0**

*Wharton-Smith, Inc. Change Order No. 4 for WWTP Blower Upgrade*

This item was discussed under *Direct Purchase of Electric Valve Actuators for Blower Upgrade.*

**OPERATIONS REPORT**

*Monthly Operations Report*

Mr. Ed Castle presented the November Monthly Operations Report to the Board. Mr. Jered Primicerio, Plant Operations Manager, presented a live broadcast of the Blower Upgrade project. Mr. Mike Dempsey, Field Operations Manager, gave a PowerPoint presentation on the Vacuum Station “E” Tank Rehabilitation project and the repair of manholes and buffer tanks within the service area.

Staff answered questions from the Board.

**ADMIN / CUSTOMER SERVICE REPORT**

*Code Compliance - December 2016*

Mr. Rob Bulkiewicz, Director of Administration, presented the code compliance list for December 2016 and staff answered questions from the Board.

*Contiguous Vacant Waiver – AK#1599352 – McInerny Waggle, Inc.*

Mrs. Diane Bockelman, Billing and Assessments Coordinator, presented a resolution granting the removal of one tax parcel from the 2016 Non-Ad Valorem assessment for AK#1599352 – vacant land located at Lime Grove Estates. Mrs. Bockelman informed the Board that the property appraiser was contacted in this matter, and that they did not plan to make any adjustments to the parcel information at this time.
Staff answered questions from the Board.

**Motion:** Commissioner Heim made a motion to approve Resolution Draft No. 29-12-16 to remove AK#1599352 from the 2016 Non-Ad Valorem Assessment and Commissioner Gibbs seconded the motion.

**Vote on Motion**
- Commissioner Heim – Nay
- Commissioner Gibbs – Aye
- Commissioner Tobin – Nay
- Commissioner Higgins – Absent
- Chairman Asdourian – Aye

**Motion Failed: 2 to 2**

Board directed staff to inform the customer of the decision made by the Board.

**Extension:** 6:00 PM

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

**MCLA Conservation Waiver of Assessment – Thomas Hastings**

Mrs. Diane Bockelman presented a resolution granting the Monroe County Land Authority (MCLA) a Conservation Waiver of Assessment for AK#1543454 and AK#1543462 – Palma Sola and AK#1545376 – Ocean Park Village, all of which are being conveyed to the MCLA as conservation parcels; and she answered questions from the Board.

**Motion:** Commissioner Tobin made a motion to approve Resolution Draft No. 30-12-16 to remove AK#1543454, AK#1543462 and AK#1545376 from the 2009 Non-Ad Valorem and Commissioner Heim seconded the motion.

**Vote on Motion**
- Commissioner Tobin – Nay
- Commissioner Heim – Aye
- Commissioner Gibbs – Aye
- Commissioner Higgins – Absent
- Chairman Asdourian – Aye

**Motion Passed: 3 to 1**

**5 MIN BREAK: 6:12 PM**

**COMMISSIONER’S ITEMS**

*Board Procedures for Agenda “Add-On” Fiscal Items (Commissioner Heim)*

Commissioner Heim led a discussion regarding the previously adopted *Board Practices and Policies*. The Board discussed including this item on the next workshop meeting agenda.
Commissioner Tobin suggested that staff create a resolution adopting the current *Board Practices and Policies* and bring it back at a future meeting.

*Board Procedure for End of Year Fiscal/Contractual Items (Commissioner Heim)*

This item was discussed under *Board Procedures for Agenda “Add-On” Fiscal Items.*

**January Meetings**

The Board discussed the possibility of rescheduling the January 3, 2017 meeting due to schedule conflicts.

**Motion:** Commissioner Tobin made a motion to cancel the January 3, 2017 meeting, add a regular meeting on January 24, 2017, and publish a notice of the change in the meeting schedule. Commissioner Gibbs seconded the motion.

**Vote on Motion**

- Commissioner Tobin – Aye
- Commissioner Gibbs – Aye
- Commissioner Heim – Aye
- Commissioner Higgins – Absent
- Chairman Asdourian – Aye

**Motion Passed: 4 to 0**

*General Manager and General Counsel Employment Contract*

The Board discussed their various concerns regarding the expiration of the current contracts for the General Manager and General Counsel.

**Motion:** Commissioner Tobin made a motion to extend the General Manager and General Counsel contracts 60 days and Commissioner Heim seconded the motion. The motion passed without objection.

**GENERAL MANAGER’S REPORT**

*Mr. Bob Manley Update – 563 Palm Drive*

Mr. Paul Christian advised the Board that Mr. Bob Manley of 563 Palm Drive was notified of the fact that staff had determined that his connection point could be moved and of the costs associated with this move, but that Mr. Manley subsequently informed staff that he was uninterested in this proposal. Staff answered questions from the Board.
BUDGET AND FINANCE REPORT

Plant Capacity Upgrade Billing to Village of Islamorada

Ms. Connie Fazio informed the Board that the District will be sending an amended Plant Capacity Upgrade invoice to the Village of Islamorada for fiscal year 2016 and staff answered questions from the Board.

ROUNDTABLE DISCUSSION

Unfinished Business

The Board discussed the various items on the list of Unfinished Business.

EXTENSION: 7:00 PM

Motion: Commissioner Heim made a motion to extend the meeting 10 minutes. The motion passed without objection.

ADJOURNMENT

The Meeting was adjourned at 7:08 PM.

___________________________________________
David Asdourian, Chairman

___________________________________________
Katherine Jackson, Clerk
RESOLUTION NO. 29-12-16
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT APPROVING THE REQUEST OF MONROE
COUNTY LAND AUTHORITY FOR REMOVAL OF THREE
TAX PARCELS AS CONSERVATION LAND FROM THE
2009 NON-AD VALOREM ASSESSMENT; AND
PROVIDING FOR APPLICABILITY AND AN EFFECTIVE
DATE.

WHEREAS, the Tax Parcels described in Section 1 are being conveyed to the
Monroe County Land Authority ("Land Authority"), a local agency, for the purpose of
protecting the natural environment and preserving wildlife habitat under the provisions of
Chapter 380, F.S. and/or Monroe County Code section 2-397; and

WHEREAS, the Tax Parcels described in Section 1 will be used as Conservation
Parcels and will not be improved with facilities that will generate wastewater; and

WHEREAS, the Land Authority has made an application to the Key Largo
Wastewater Treatment District ("District") for a waiver of all future assessments of the
District's System Development Charge; and

WHEREAS, pursuant to Section 10.06(a)(iii), of the District's General Rules and
Regulations, the Owner(s) may request that the District exclude such Tax Parcels and
waive all future assessments of the System Development Charges, for those Tax Parcels.

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

The Tax Parcels designated in Section 1 below be and are excluded from the Key Largo
Wastewater Treatment District 2009 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00443760-000000
AK NO. 1543454
PARCEL DESCRIPTION: LOT 8 SQR 6 PALMA SOLA PB1-115 KEY LARGO G72-60 OR 225-367-368 OR 781-1370 OR 2809-1065D/C OR 2809-1059 OR 2811-1938/390RD

PARCEL ID: 00443770-000000
AK NO. 1543462
PARCEL DESCRIPTION: LOT 9 SQR 6 PALMA SOLA PB1-115 KEY LARGO G72-60 OR 225-367-368 OR 781-1370 OR 2809-1065D/C OR 2809-1059 OR 2811-1938/390RD
PARCEL ID: 00445700-000000
AK NO. 1545376
PARCEL DESCRIPTION: BK 2 LT 9 OCEAN PARK VILLAGE PB4-14 KEY LARGO OR53 3-686 OR765-1638 OR2809-1053 OR2811-1938/39ORD

Section 2. Should any owner of the parcels listed in Section 1 above later desire wastewater service to the tax parcel, or develop the parcel(s) with any structure capable of producing wastewater, they agree to pay all direct and indirect District costs of providing service as well as any unpaid portions of the assessment herein waived.

Section 3. APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.

Section 4. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 20TH DAY OF DECEMBER 2016

The foregoing RESOLUTION was offered by Commissioner Tobin, who moved its approval. The motion was seconded by Commissioner Heim, and being put to a vote the result was as follows:

<table>
<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Asdourian</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commissioner Gibbs</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commissioner Heim</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commissioner Higgins</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 20th day of December, 2016.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: David Asdourian, Chairman
ATTEST:

Katherine Jackson, Clerk

Approved to as to form and legal sufficiency

Ray Giglio, General Counsel
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 10, 2017
Agenda Item Number: H-1

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Action

Department: Legal
Sponsor: Ray Giglio

Subject: Discussion and Adoption of a Process to Fill Vacant Commissioner Seat

Summary of Discussion:
Verbal discussion of a staff suggested process for filling of a vacant commissioner seat.

Reviewed / Approved
Operations: 
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
Operations: $ 0.00
Finance: Funding Source: Budgeted: N/A

Attachments
1. Summary Memo from Ray Giglio
2. E-mail dated January 4, 2016
3. E-mail dated December 23, 2016

Approved By: ___________________________ Date: 1/6/2017
General Manager
SUMMARY OF PROCEDURE FOR FILLING VACANCIES

District Charter:

The District’s Charter provides in pertinent part that:

“If any vacancy occurs in a seat occupied by a governing board member, the remaining members of the governing board shall, within 60 days after the vacancy occurs, appoint an eligible person to fill the vacant seat, …[.]”

Eligible Person:

To be eligible, the Charter only requires a potential Commissioner to be “… a registered elector, residing within the boundaries of the district at the time he or she qualifies.” Therefore, subject only to the requirement that the person appointed be a registered elector residing within the district, the Board is free to appoint whomever it feels would best serve the interests of the District.

Time Limits:

“If the governing board shall, within 60 days after the vacancy occurs, appoint an eligible person to fill the vacant seat, …[.]”

If the vacancy were assumed to have occurred on Tuesday, December 20th, the date of the last BOC meeting (which Commissioner Higgins missed), the 60 day period would end on February 18, 2017.

Therefore, unless a special meeting is called, the Board must fill the vacancy by the February 14, 2017, the last regularly scheduled BOC meeting before February 18th.

Consequences of Not Making an Appointment Within 60 Days:

If the Board failed to make an appointment by February 18, 2017, the Governor might elect to become involved in the process. In that event, the Governor’s office could either make the appointment or require the District to hold a special election.
From: Ray Giglio
To: Commissioners, Paul Christian
Re: Prior Vacancies on KLWTD Board

Commissioners,

I thought you might find it helpful to have a review of prior occasions where KLWTD commissioners left office before their terms expired, and how the vacancies were handled. It appears that there have been three prior occasions where there has been a vacancy on the KLWTD Board that had to be filled.

1. **Jerry Wilkinson - resigned 2004**

I have not been able to determine when Jerry Wilkinson was elected to the Board or when his term was scheduled to end. However, he stepped down in October of 2004. The minutes of the BOC meeting held on October 20, 2004, state that, “Tonight’s meeting is the last meeting for Commissioner Jerry Wilkinson.” This would appear to be the only mention of his leaving.

Commissioner Jerry Wilkinson’s seat was filled at the next election, when three Members of the Board (Gary Bauman, Claude Bullock, and Glenn Patton) were elected to 4-year terms. The minutes of the November 17, 2004 BOC meeting indicate that, “Judge
Reagan Ptomey administered the oath of office to re-elected Commissioner Gary Bauman, and newly elected Commissioners Claude Bullock and Glenn Patton." The other two Commissioners on the Board at that time were Charles Brooks and Andrew Tobin.

Therefore, three Members (Bauman, Bullock, and Patton) had been elected to the Board in November of 2004, notwithstanding the fact that (apparently) there should only have been two Members running for office in that 2004 election. The fact that there were three commissioners elected suggests that an extra “slot” had been made available for Jerry Wilkinson’s vacant seat. There was no mention in the minutes of any of the three successful candidates being elected to a term of less than four years.

2. Glenn Patton – resigned 2006

Glenn Patton was one of the three Members elected to the Board in November of 2004. Presumably, his term ran until November of 2008. However, Mr. Patton resigned on May 18, 2006, because he had been appointed to fill the vacant seat on the County Commission after Murray Nelson’s death. Subsequent to Glenn Patton’s resignation, KLWTD ran advertisements in the paper and interviewed candidates.

At the KLWTD meeting on July 12, 2006, the minutes indicate that, “Commissioner Bauman made a motion to appoint Norman Higgins to complete Commissioner Patton’s term on the KLWTD Board. Commissioner Tobin seconded the motion.” The motion passed 4-0, and “Carol Walker the District Clerk, swore in Norman Higgins as the new KLWTD Commissioner.”

Because Glenn Patton had been elected in 2004 (presumably to a 4-year term ending in 2008), when he stepped down in May of 2006, there should have been two years left on his term. Norman Higgins was appointed in 2006 “to complete Commissioner Patton’s term on the KLWTD Board.” Therefore, if Commissioner Patton’s term ended in November of 2008, Norman Higgins’ appointed term should have run until November of 2008.

However, the Election records clearly reflect that Norman Higgins ran for office in November of 2006 and won reelection to the KLWTD Board (along with Susan Hammaker and Andrew Tobin). The minutes of the November 15, 2006 meeting indicate that, “Judge Ptomey swore in the newly elected commissioners, Susan Hammaker, Andrew Tobin and Norm Higgins. Commissioner Brooks thereupon relinquished his seat to Commissioner Hammaker.”

Because Commissioner Higgins had been appointed to complete Commissioner Patton’s term, which (presumably) ended in November of 2008, if he had not run for the Board in the general election, his term would have run until November of 2008. But, because Commissioner Higgins was elected to a full 4-year term in 2006, his term ran until November of 2010, at which time he was reelected, as he was again in November 2014. Therefore, Commissioner Higgins’ current 4-year term expires in November 2018, and anyone appointed to take his seat will only serve until then.

3. Susan Hammaker - resigned 2012
Susan Hammaker resigned from the Board in 2012, creating a vacancy. At that time, the District’s Charter provided that if a vacancy occurred, the remaining members of the Board were to appoint a replacement within 45 days. Unfortunately, the Board was unable to decide on a replacement for Commissioner Hammaker within that 45 day time period. As it turned out, that created some issues. When the Board appointed David Asdourian to fill the vacancy, staffers in the Governor’s office initially took the position that, as the Board had failed to act within 45 days, the Governor should make the appointment. Eventually, more senior staffers in the Governor’s office were persuaded that David Asdourian’s appointment was proper and that his commission should be issued. Subsequently, in 2013, the District amended its Charter to, *inter alia*, change the time period for filling a vacancy from 45 days to 60 days.

If any member of the Board has any questions or if I can be of assistance in any way, please do not hesitate to contact me.

Very truly yours

Ray Giglio
General Counsel

Key Largo Wastewater Treatment District
(305) 340-9198
ray.giglio@klwtd.com

P.S. I am copying each KLWTD Commissioner by “Bcc” so that if Commissioners reply directly from my email, they do not inadvertently copy their fellow commissioners.
Commissioners,

While Norm’s tragic passing has left us all grief stricken, I feel obligated to remind the Board that his demise has also imposed upon you a statutory duty that must be discharged in a timely fashion. I am referring, of course, to filling Commissioner Higgin’s now vacant seat.

The District’s Charter provides in pertinent part that: “If any vacancy occurs in a seat occupied by a governing board member, the remaining members of the governing board shall, within 60 days after the vacancy occurs, appoint an eligible person to fill the vacant seat, ...[.]”

If the vacancy were assumed to have occurred on Tuesday, December 20th, the date of the last BOC meeting, the 60 day period would end on February 18, 2017. That means that, unless a special meeting is called, the Board must fill the vacancy by the February 14, 2017 BOC meeting.

As I am sure you recall, in 2012 Susan Hammaker resigned from the Board, creating a vacancy. At that time, the District’s Charter provided that if a vacancy occurred, the remaining members of the Board were to appoint a replacement within 45 days. Unfortunately, the Board was unable to decide on a replacement for Commissioner Hammaker within that 45 day time period. As it turned out, that created some issues. When the Board appointed David Asdourian to fill the vacancy, staffers in the Governor’s office initially took the position that, as the Board had failed to act within 45 days, the Governor should make the appointment. Eventually, we persuaded more senior staffers in the Governor’s office that David’s appointment was proper and that the commission should be
issued. Subsequently, in 2013, the District amended its Charter to, *inter alia*, change the time period for filling a vacancy from 45 days to 60 days.

For all of the above reasons, I would respectfully urge the Board to make every possible effort to fill this new vacancy at or before the February 14, 2017 BOC meeting.

In addition, as noted above, the Charter requires that the person appointed be “eligible” to be a Commissioner. To be eligible, the Charter only requires a potential Commissioner to be “… a registered elector, residing within the boundaries of the district at the time he or she qualifies....” Therefore, subject only to the requirement that the person appointed be a registered elector residing within the district, the Board is free to appoint anyone it wants.

In the past, it is my understanding that the Board has advertised for candidates and has conducted interviews of the persons who responded to the advertisement. If the Board elects to adopt that procedure once again, it is my strong recommendation that the advertisement be published as soon as possible.

It is also my strong recommendation that the Board come to a decision on the procedure it will follow at the earliest opportunity—ideally as the first order of business at the next BOC meeting.

If any members of the Board have any questions about any of the above, or if I can be of assistance in any way, please do not hesitate to contact me.

Very truly yours

Ray Giglio
General Counsel
Key Largo Wastewater Treatment District
(305) 340-9198
ray.giglio@klwtd.com

P.S. I am copying each KLWTD Commissioner by “Bcc” so that if one Commissioner replies directly from my email, he does not inadvertently copy his fellow commissioners.
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 10, 2017

Agenda Item Type: Resolution

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: Legal

Sponsor: Ray Giglio

Subject: Resolution Adopting Board Practices and Policies

Summary of Discussion:
Staff to present a resolution adopting the Board Practices and Policies nunc pro tunc.

Reviewed / Approved: 
Financial Impact:
Operations: ________ $ 0.00
Administration: ________
Finance: ________ Funding Source:  
District Counsel: ________
District Clerk: ________ Budgeted: N/A
Engineering: ________

Attachments:
1. Resolution DRAFT No. 01-01-17

Approved By: General Manager
Date: 1/6/2017
RESOLUTION DRAFT NO. 01-01-17

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT RATIFYING AND ADOPTING THE BOARD
PRACTICES AND POLICIES NUNC PRO TUNC,
EFFECTIVE JULY 12, 2016.

WHEREAS, the Board of Commissioners (“Board”) of the Key Largo Wastewater Treatment District (“District”), at a regularly scheduled meeting on July 12, 2016 adopted the Board Practices and Policies a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Board Practices and Policies is a document that can be amended at any time; and

WHEREAS, the District desires, by this resolution, to correctly reflect the Board Practices and Policies was adopted by the Board on July 12, 2016; and

WHEREAS, the District desires, by this resolution, to ratify the adoption of the attached Board Practices and Policies, effective July 12, 2016.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Effective Date. The Board Practices and Policies attached hereto as Exhibit “A” is hereby ratified, approved, and adopted nunc pro tunc, effective July 12, 2016.

Section 3. Authorization of District Officials. The General Manager and/or his designee(s) and the District General Counsel are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 10th DAY OF JANUARY, 2017

The foregoing RESOLUTION 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:
Chairman Asdourian
Commissioner Gibbs
Commissioner Heim
Commissioner Tobin

AYE   NAY

The Chairman thereupon declared Resolution No. 01-01-17 duly passed and adopted the 10th day of January, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

________________________________________
Chairman David Asdourian

ATTEST:  Approved to as to form and legal sufficiency

________________________________________
Katherine Jackson, District Clerk

________________________________________
Ray Giglio, General Counsel

SEAL
BOARD PRACTICES AND POLICIES

CONDUCT OF MEETINGS

1. The Board usually applies the following "Meeting Rules" to its meetings: (1) It shall not be necessary to have a motion on the floor to discuss an item; (2) Commissioners have the right to request reconsideration of any item regardless of whether a commissioner was on the winning or losing side of a prior vote; (3) A motion can be made by any Commissioner; (4) If the Chair makes a motion, it must pass the gavel to the Vice Chair; (5) A motion can be seconded by any Commissioner including the Chair, who need not pass the gavel; (6) A point of order normally take precedence over other matters; (7) On matters of extreme importance, a Commissioner may request the Board consider the matter at two separate hearings; (8) The Board should encourage full and open discussion of all items without regard to how long it takes to reach consensus; (9) The Board should not entertain items that have not been included in the Agenda; and (10) The Board should not take action on an items unless it has been provided sufficient back-up and an opportunity to review and to consider the matter.

2. The Board should update its "Meeting Rules" from time to time when appropriate.

3. The Board should be guided, but is not required to follow Robert's Rules of Order (Small Group Edition).

ROLE OF CHAIRMAN

4. The Chair should encourage full and open debate.

5. The Chair is not obliged to recognize a request to "call the question" unless and until there has been full and open discussion by the Board.

6. The Chair should discourage disrespectful comments.

7. The Chair's ruling on procedural matters is subject to a vote if challenged by any commissioner.
ABSTAINING FROM VOTING

8. A Commissioner should not abstain from voting unless, there is, or appears to be, a possible conflict of interest or unless a Commissioner lacks sufficient information to cast an informed vote.

RESOLUTIONS

9. Matters of importance should be resolved by a vote rather than by "giving direction."

10. Commissioners may request a formal vote on any issue.

11. The Board should adopt written resolutions on matters of importance.

THE RIGHT TO DISSENT

12. While a majority of the Board shall represent the official policy of the Key Largo Wastewater District. Notwithstanding any such vote, individual Commissioners shall have the right to publicly disagree with any vote or policy.

ELECTION OF OFFICERS

13. The Board elects a chairman, vice chairman, and treasurer annually. In years in which general elections are held pursuant to s. 189.405(2)(a), F.S, the Board elects officers at the first meeting following certification of results by the Supervisor of Elections. In non-election years, the election of officers is held on the second meeting in November.

14. Commissioners may nominate themselves for office.

15. No second is required for nominations.

16. Contested elections for Board officers may be held by signed ballots, which shall be opened by the Clerk and made a part of the record.

PUBLIC COMMENTS

17. The Board should welcome public participation and comments at all meetings.

18. A person who desires to speak should register his or her request with the Clerk.
19. The public may speak on any item, including “Bulk” items, during the public comment period, or may defer making comments until the item is called for discussion.

20. Public Comment is usually limited to three (3) minutes for an individual and five (5) minutes for representatives of organizations, unless the Board believes additional time is appropriate.

21. Public speakers may provide written material to the Board and request that the material be included in minutes; however, the Chair may decline the request for inclusion if the material is unduly voluminous or is offensive.

22. Commissioners and Staff should refrain from responding to public speakers but may do so with the consent of the Chair.

THE MINUTES OF THE MEETING

23. The minutes should be promptly recorded and should summarize the events of the meeting.

24. All motions made during the course of a meeting should be recorded in the minutes, including motions that fail to receive a second.

25. At the very least, the minutes should reflect the maker of the motion; the nature of the motion; the second, and the Commissioners voting yea/nay.

APPROVAL OF THE MINUTES

26. The draft minutes should be presented to the board for adoption at the next meeting.

27. The adoption of the minutes is prima facie evidence of the Board’s decision, resolutions, and acts only. Comments included in the minutes are not to be considered as exact quotes.

28. Commissioners have the right to request corrections to the minutes.

LENGTH OF MEETING

29. The Board should endeavor to complete business within two (2) hours.
30. A meeting can be extended by a motion duly made and adopted.

**MOTIONS**

31. A vote can only be called by the Chair after a motion has been made and seconded.

32. Motions that do not receive a second shall automatically fail.

33. When a motion has been moved and seconded, and following the end of the discussion of an item, the Chair must:
   
   o Restate the motion, and
   o Call for a vote by yeas and nays or by roll

34. Any Commissioner may request a roll call vote.

35. Only one motion at a time may be considered.

36. The Board may table a motion to the next meeting, at which time the Board shall resume debate.

**ROUNDTABLE DISCUSSION**

37. The Roundtable portion of the meeting is where Commissioners may have open and free discussions among themselves.

38. No motion shall be required for a matter to be raised and discussed.

39. The regular rules of conduct and procedure, including Roberts *Rules of Order*, shall not be in effect.

**STAFF SUPPORT & LEGAL ADVICE**

40. In order to carry out their legislative duties, Commissioners may request information, research or support from the General Manager, Senior Staff Members, Department Managers, or the District's Attorneys and Consultants provided that any such request is not unduly burdensome or excessive, i.e., will not take more than 1 hour per month. The District's staff shall have the right (but is not obligated) to ask the full board to authorize the request if the request is unduly burdensome.
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 10, 2017

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Discussion

Department: Construction
Sponsor: Ed Castle

Subject: Monthly Construction Report

Summary of Discussion:
Ed Castle, P.E. has provided an update on the status of KLWTD current and planned construction projects.

Reviewed / Approved
Operations: Memo
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
Operations: $ 0.00

Attachments
1. December Construction Update

Approved By: [Signature]
General Manager
Date: 1/6/2017
Memo

To: KLWTD Commissioners
Cc: Paul Christian, General Manager
From: Ed Castle, P.E.
Date: January 5, 2017

Project Specific Notes

1. Grinder Pump Installation Program:
   a. All on-site installations of pump stations and control panels are completed.
   b. The Zurwelle-Whittaker has continued work on picking up the missing survey data for the US 1 grinder pump record drawings. All field work has been completed. The survey files will be delivered for review when completed.
   c. The Guardian telemetry transmitters have been installed in all control panels.
   d. HT1100 Collectors that transmit the signals from the Guardians to the telemetry monitoring system have been received and installed in all non-FDOT locations. These units have been placed into operation.
   e. Installation of nine posts for mounting the HT1100 Collectors in the US 1 right of way was awarded to J.A. LaRocco. Preliminary work, including calling for locates and coordinating with FDOT has been completed. Placement of the posts has not yet begun.
   f. The FDOT permit for installation of the posts was issued on 10/19/2016. The mandatory pre-construction meeting was held on 10/13/2016. Construction can begin at any time, but must be completed within 300 days of the date of the permit.

2. Chemical Storage and Feed System
   a. Piggyback Agreement with Carl Eric Johnson (CEJ), Inc. and Hillsborough County was executed 3/15/16, allowing District is purchasing pump skids and tanks at discounted rates.
   b. The three 8,700 gallon chemical storage tanks are ready for shipment. Delivery is being coordinated by Wharton Smith.
   c. The CEJ chemical pump skids are constructed and ready to ship. Delivery is being coordinated by Wharton Smith.
d. The installation of the tanks and pump skids was awarded to Wharton-Smith. The Partial Notice to Proceed to Wharton Smith was issued on 8/17/16. According to Wharton Smith’s construction schedule, the Sodium Hydroxide system will be installed in February, with the replacement of the remaining tanks and pumps following.

3. WWTP Blower Upgrades
   a. Project was awarded to Wharton-Smith, contract price $1,681,110
   b. District direct-purchased the blowers and control panels for $922,000 to save sales tax
   c. Demolition of the 100 HP Turblex blower and both of the 300 HP Turblex blowers has been completed. All four Aerzen blowers have been installed and are operational.
   d. Wastewater is being treated in SBRs #2 and #3, with SBR #1 filled with clear water and on stand-by mode.
   e. The District has approved the purchase of electric actuators for certain blower system valves to enhance automatic operation. The valves have been ordered. Delivery is expected in 4 – 6 weeks.
   f. A change order to Wharton Smith for wiring and integration of the valve actuators was approved by the Board. Wharton Smith will provide a schedule for the work after the District receives a firm delivery schedule from the manufacturer of the actuators.

4. Vacuum Station “E” Tank Replacement (Rehabilitation)
   a. Wharton-Smith was awarded the Vacuum Station “E” Tank Rehabilitation project. Wharton Smith mobilized on July 11, 2016.
   b. All steel repairs to the tank have been completed. The interior has been properly coated, with the final coating passing a standard discontinuity test at 3,000 volts, indicating that the coating is good. Final connection of the tank and removal of the temporary tank took place the week of December 5th.
   c. The Board approved a change order to Wharton Smith to modify the suction piping on the three sewage pumps. Mega-flanges will be installed to allow for easier disassembly and reassembly for future maintenance work.
   d. The defective sewage valve on the Vacuum Station E discharge line has not been successfully completed as of this time. The District will shut down all pump station at night in January to allow the work to occur. The shut-down has not yet been scheduled.

Respectfully Submitted,
Ed Castle, P.E.
## Current Construction Projects

December 2016

<table>
<thead>
<tr>
<th>Project</th>
<th>Project Estimate</th>
<th>Contract Amount</th>
<th>Contract Start/End</th>
<th>Expended Prior to FY16</th>
<th>Expended To Date</th>
<th>Project Balance</th>
<th>Budgeted FY17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique Properties Fountain Engineering, Keys Contracting, WRT</td>
<td>$3,846,912</td>
<td>$3,548,274</td>
<td>11/25/2012 to 6/06/2016</td>
<td>$3,207,202</td>
<td>$341,072.00</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Unique Properties Zurwelle-Whittaker Final Surveys</td>
<td>N/A</td>
<td>$10,575</td>
<td>4/06/2016 to 6/06/2016</td>
<td>N/A</td>
<td>$7,500.00</td>
<td>$3,075</td>
<td>$0</td>
</tr>
<tr>
<td>Unique Properties Telemetry Post Installations</td>
<td>N/A</td>
<td>$9,750</td>
<td>TBD</td>
<td>N/A</td>
<td>$0.00</td>
<td>$9,750</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Current Project Total</strong></td>
<td><strong>$3,568,599</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemical Storage and Feed System Wharton-Smith, Carl Eric Johnson</td>
<td>$1,000,000</td>
<td>$721,183</td>
<td>TBD</td>
<td>N/A</td>
<td>$272,437</td>
<td>$448,746</td>
<td>$10,000</td>
</tr>
<tr>
<td>WWTP Blower Upgrades Wharton-Smith, Aerzen, Champion Controls</td>
<td>$1,200,000</td>
<td>$2,603,110</td>
<td>7/5/2016 to 1/1/2017</td>
<td>N/A</td>
<td>$1,548,468</td>
<td>$170,210</td>
<td>$55,980</td>
</tr>
<tr>
<td>Change Order No 1</td>
<td></td>
<td>$4,930</td>
<td>9/15/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 2</td>
<td></td>
<td>$3,253</td>
<td>12/7/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 3</td>
<td>-$922,000</td>
<td>12/7/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 4</td>
<td>$29,385</td>
<td>12/21/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Project Total</strong></td>
<td><strong>$1,718,678</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order</td>
<td>Amount</td>
<td>Date</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-----------</td>
<td>------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 1</td>
<td>$0</td>
<td>8/9/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 2</td>
<td>$35,437.50</td>
<td>10/5/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 3</td>
<td>$4,251</td>
<td>10/16/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change Order No 4</td>
<td>$1,785</td>
<td>12/21/2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Project Total</td>
<td>$257,749</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 10, 2017
Agenda Item Type: Customer Service
Agenda Item Scope: Customer Service
Recommended Action: Action: Approval

Department: Customer Service
Sponsor: Rob Bulkiewicz

Subject: MCLA Conservation Waiver of Assessment - Lee Shores

Summary of Discussion:
Monroe County Land Authority requested the waiver of wastewater service and assessment for two parcels (AK#1666564, 1666572) to be used as conservation.

Reviewed / Approved
Operations:
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
$ 0.00 $ 11,096.00
Refunded Uncollected

Funding Source:
Assessment Revenue

Budgeted: No
Refunded Uncollected

Attachments
1. Resolution DRAFT 02-01-17
2. Request for waiver
3. Map

Approved By: ___________________________ Date: 1/6/2017
General Manager
RESOLUTION NO. DRAFT 02-01-17
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING THE REQUEST OF MONROE COUNTY LAND AUTHORITY FOR REMOVAL OF TWO TAX PARCELS AS CONSERVATION LAND FROM THE 2016 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Tax Parcels described in Section 1 are being conveyed to the Monroe County Land Authority ("Land Authority"), a local agency, for the purpose of protecting the natural environment and preserving wildlife habitat under the provisions of Chapter 380, F.S. and/or Monroe County Code section 2-397; and

WHEREAS, the Tax Parcels described in Section 1 will be used as Conservation Parcels and will not be improved with facilities that will generate wastewater; and

WHEREAS, the Land Authority has made an application to the Key Largo Wastewater Treatment District ("District") for a waiver of all future assessments of the District’s System Development Charge; and

WHEREAS, pursuant to Section 10.06(a)(iii), of the District’s General Rules and Regulations, the Owner(s) may request that the District exclude such Tax Parcels and waive all future assessments of the System Development Charges, for those Tax Parcels.

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

The Tax Parcels designated in Section 1 below be and are excluded from the Key Largo Wastewater Treatment District 2009 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00543040-000000
AK NO. 1666564
PARCEL DESCRIPTION: 2ND AMD & REV PLAT OF LEE SHORES KEY LARGO PB2-97TRACT 7 OR424-196 OR2230-201

PARCEL ID: 00543050-000000
AK NO. 1666572
PARCEL DESCRIPTION: 2ND AMD & REV PLAT OF LEE SHORES KEY LARGO PB2-97THE S 1/2 TR 8 OR526-921 OR2230-200

Section 2. Should any owner of the parcels listed in Section 1 above later desire wastewater service to the tax parcel, or develop the parcel(s) with any structure capable of producing wastewater, they agree to pay all direct and indirect District
costs of providing service as well as any unpaid portions of the assessment herein waived.

**Section 3.**

APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.

**Section 4.**

AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 10TH DAY OF JANUARY 2017

The foregoing RESOLUTION 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:

<table>
<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Asdourian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Gibbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Heim</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 10th day of January, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: ____________________________
David Asdourian, Chairman

**ATTEST:**

Approved to as to form and legal sufficiency

______________________________
Katherine Jackson, Clerk

Ray Giglio, General Counsel

SEAL
December 16, 2016

Diane Bockelman
Key Largo Wastewater Treatment District
PO Box 491
Key Largo, FL 33037

Re: Request to Remove Property from KLWTD Assessment Roll for Pending Acquisition of Conservation Land
   AK# 1666564 / Tract 7, 2nd Amended Revised Plat of Lee Shores
   AK# 1666572 / South half of Tract 8, 2nd Amended Revised Plat of Lee Shores

Dear Ms. Bockelman:

The above referenced property is under contract for purchase by the Monroe County Comprehensive Plan Land Authority as conservation land. Conservation lands acquired by the Authority will be maintained as natural areas, will not be developed, will not generate wastewater, and therefore will not need a connection to the Key Largo Wastewater Treatment District wastewater system.

I am requesting that the subject property be removed from the KLWTD assessment roll prior to closing. This action is necessary prior to closing because the Monroe County Tax Collector’s Office does not accept partial payments (the payment of just the ad valorem portion of the outstanding taxes when a non-ad valorem assessment is also still outstanding).

Thank you for your assistance with this matter. Please contact me should you require any additional information.

Sincerely,

Charles G. Pattison
Executive Director
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: November 15, 2016

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion

Sponsor: Commissioner Tobin

Subject: Grievance Policy Amendment

Summary of Discussion:
Discussion of amendment to grievance policy.

Reviewed / Approved
Operations: 
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
Expense: 
Funding Source: Assessment Revenue
Budgeted: No

Attachments
1. Resolution No. 23-10-16

Approved By: General Manager
Date: 16/1/2017
RESOLUTION NO. 23-10-16

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT MODIFYING EMPLOYEE GRIEVANCE POLICY
AND PROCEDURES; AND PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, on January 14, 2014, at a regularly scheduled meeting, the Board of Commissioners ("Board") of the Key Largo Wastewater Treatment District ("District"), approved and adopted the "Employee Grievance Policy and Procedures" ("Grievance Policy"), a copy of which is attached hereto; and

WHEREAS, subsection "1" of "GENERAL PROVISIONS" on page 4 of 6 of that Grievance Policy prohibits the General Manager, the District Counsel, or members of Senior Staff from filing a Grievance under the provisions of that policy; and

WHEREAS, the Board has determined that it would be in the best interest of the District to permit members of Senior Staff to file a Grievance against a Commissioner under the provisions of the Grievance Policy; and

WHEREAS, the District desires, by this resolution, to modify section "1" of the GENERAL PROVISIONS of the Grievance Policy to permit members of Senior Staff to file a Grievance against a Commissioner.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Grievance Policy Modification. The District’s Grievance Policy, which currently provides, at subsection “1” of "GENERAL PROVISIONS" on page 4 of 6, of that:

1. Under no circumstances can the General Manager, the District Counsel, or other members of Senior Staff file a Grievance under the provisions of this policy.

is hereby amended to read,

1. Senior Staff shall have the right to file a Grievance against a Commissioner under the provisions of this policy.
Section 3. Effective Date. The Grievance Policy attached hereto, as modified by this resolution, shall go into effect immediately upon the adoption of this resolution by the Board of Commissioners.

Section 4. Ratification. Except for the modification contained in Section "1" above, all of the terms, conditions, provisions, and requirements contained in the Grievance Policy approved and adopted by the Board on January 14, 2014, are hereby ratified and shall remain in full force and effect.

Section 5. Authorization of District Officials. The General Manager and/or his designee(s) and the District General Counsel are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 18th DAY OF OCTOBER, 2016

The foregoing RESOLUTION was offered by Commissioner Gibbs, who moved its approval. The motion was seconded by Commissioner Asdourian, and being put to a vote the result was as follows:

Chairman Asdourian
Commissioner Gibbs
Commissioner Higgins
Commissioner Majeska
Commissioner Tobin

AYE   NAY
✓     —
✓     —
✓     —
✓     ✓

The Chairman thereupon declared this Resolution duly passed and adopted the 18th day of October, 2016.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: David Asdourian, Chairman
Grievance Policy Modification

ATTEST:

Katherine Jackson, Clerk

Approved to as to form and legal sufficiency

Ray Giglio, General Counsel

SEAL
Employee Grievance Policy and Procedures

Effective Date: (04-10/4/2016)
Revision Date: (04-10/4/2016)

It is the policy of the Key Largo Wastewater Treatment District ("District") to maintain a harmonious and hostility-free workplace environment. To that end, the District encourages all employees to express concerns about any work-related issues, including workplace communication, interpersonal conflict, and other working conditions. For the purposes of this policy, any such concern shall be referred to as a "Grievance" and a aggrieved employee who has filed a Formal Grievance shall be referred to as the “Grievant.” The following are the steps an aggrieved employee should take to have a Grievance formally addressed by the management of the District.

GRIEVANCE PROCEDURE

Step 1a – Discuss the matter with your immediate supervisor.

Employees who feel that they have a Grievance are first encouraged to discuss their concerns with their immediate supervisor. Grievances can be the product of a lack of communication.

Step 1b – Discuss the matter with your department manager or a representative of Human Resources.

Employees who feel uncomfortable discussing the matter with their immediate supervisor for any reason, or who feel that a discussion with their immediate supervisor has not resulted in a satisfactory resolution, may take their Grievance to their supervisor's manager (Department Manager) or to a representative of Human Resources (HR). In such cases, the Department Manager or HR representative will, as soon as practicable, facilitate an informal meeting with the employee and the employee's immediate supervisor to discuss the Grievance.

Step 2 – File a Formal Grievance with Human Resources

If the matter is not satisfactorily resolved by the informal meeting between the employee and the employee's immediate supervisor using steps 1a or 1b above or, if the employee feels, for any reason, compelled to skip steps 1a and 1b, an aggrieved employee may
submit a Formal Grievance to the District’s HR representative. Such Grievance must be in writing and must include:

1. The name of the employee filing the grievance (the “Grievant”).
2. The name(s) of any employees against whom the grievance is being filed (if applicable).
3. The name(s) of any witnesses to the incident(s).
4. The date(s) and time(s) of the incident(s) leading to the Grievance.
5. As much detail as possible related to the incident(s) that is (are) the subject of the Grievance.
6. The steps taken by the Grievant to resolve the Grievance, if applicable.
7. The Grievant’s desired resolution of the Grievance.
8. The date the Grievance is being filed.

Step 3 – Receipt of Formal Grievance

As soon as practicable after the Formal Grievance has been filed, the HR representative will meet with the Grievant to discuss the Grievance procedure. The HR representative shall verify the proper completion of the Formal Grievance and advise the Grievant of the steps to be taken and estimated time-frame.

Step 4 – Formal Meeting

Within seven (7) working days of filing the Formal grievance, the HR representative shall schedule a Formal Meeting with the following individuals:

1. The Grievant.
2. The Grievant’s immediate supervisor *
3. The Senior Staff member(s) of the applicable department(s) (“Senior Staff Representative”)*
4. The person(s) against whom the grievance is filed
5. Any other employee that the Grievant requests be present *
6. If the grievance includes allegations of sexual harassment, discrimination or other unlawful conduct, the District Counsel
7. The HR representative

*If the HR representative shall find it inappropriate or impracticable to include this particular person, a substitute shall be selected by the General Manager.

The purpose of the Formal Meeting shall be to give employees an opportunity to have their Grievances heard, to discuss the facts presented in the Formal Grievance and to give the members of the Formal Meeting an opportunity to ask questions of the Grievant.
regarding the Grievance. The Senior Staff Representative, upon hearing the Grievance may then:

1. Determine that further investigation should be conducted, either by the Senior Staff Representative or by the HR representative under the Senior Staff Representative's direction. In such event, the investigation shall be conducted in a timely fashion and the Formal Meeting will be rescheduled upon the completion of that investigation; or
2. Attempt to resolve the Grievance to the satisfaction of the Grievant and, if applicable, the employee against whom the grievance is filed; or
3. Determine that sufficient evidence exists to take corrective action or disciplinary action against the employee against whom the grievance is filed; or
4. Determine that the Grievance should be declined and explain to the Grievant the reasons for that decision.

Step 5 – Appeal

Upon completion of the Formal Meeting, if the Grievant is unsatisfied with the final outcome, the Grievant may, within five (5) days of notification of the step 4 decision, request an Appeal Hearing. In such event, the HR representative shall facilitate, and document the results of an Appeal Hearing with the following applicable individuals:

1. The General Manager
2. A designated representative of the Board of Commissioners
3. The Senior Staff Representative
4. The District’s Counsel
5. The HR representative
6. The Grievant
7. Grievants shall have the right to represent themselves or, upon prior notification to the District, to be represented and/or accompanied by one of the following: an attorney, a co-worker, a friend, or a family member.

The purpose of the Appeal Hearing shall be to give Grievants an opportunity to have their Grievance heard by the General Manager and a representative of the Board of Commissioners. Upon conclusion of the Appeal Hearing, the General Manager will either:

1. Determine that the Grievance was handled improperly and direct that step 4 be repeated; or
2. Determine that the Grievance was handled properly but adjust the findings to facilitate a resolution agreeable to the Grievant; or
3. Determine that the Grievance was handled properly and ratify the decision to decline the Grievance. In such event, the General Manager shall explain to the Grievant the reasons for that decision. The decision of the General Manager shall be final and the Grievant shall have no further right of appeal.
SPECIAL CIRCUMSTANCES

1. If the Grievant, or the party against whom the Grievance has been filed, is the HR representative, the functions and duties of the HR representative shall be performed by the District Clerk.

2. Employees who feel that they have a Grievance that involves a member of the District's Board of Commissioners, may take their Grievance to the District Counsel.
   a. District Counsel shall advise such aggrieved employees of their rights and options and shall conduct an investigation of the matter.
   b. After conducting an investigation, District Counsel shall, if appropriate:
      1) Bring the matter to the attention of the individual commissioner(s) involved.
      2) Bring the matter to the attention of the entire board.
      3) Refer the matter to the appropriate governmental agency for further action.
   c. District Counsel shall also, to the extent possible and practicable:
      1) Keep the matter and communications with the aggrieved employee confidential.
      2) Insure that the aggrieved employee is not subjected to any retaliation or disciplinary action.

GENERAL PROVISIONS

1. Under no circumstances can the General Manager, the District Counsel, or other members of Senior Staff shall have the right to file a Grievance against a Commissioner under the provisions of this policy.

2. Under no circumstances can a former employee file a Grievance under the provisions of this policy. All employees of the District are “at-will” employees and as such, they may be terminated at any time, for any reason or for no reason. Therefore, the termination of a full-time regular employee is not subject to these Grievance procedures.

3. Throughout these procedures, time periods have been fixed to ensure that grievances are treated with the highest level of urgency and are dealt with quickly. These time periods may be extended if both the aggrieved party and the District consent to the extension in writing. If key members of the grievance process are unavailable, such consent shall not be unreasonably withheld.
4. Unless both parties have agreed, in writing, to an extension of time, the failure of Grievants to follow the time limits contained herein will result in an automatic, final, and binding denial of their Grievance.

5. The Formal Grievance, any documentation submitted, and all findings will become public records and may be subject to inspection by third parties in accordance with Florida public records laws.

6. Once reduced to writing, the text of a grievance shall remain unaltered as the Grievance progresses through any additional stages.

7. Any discussions and communications with the HR Representative regarding a Grievance whether made on District property or not and whether made while the HR Representative or the employee is on working time or not may be summarized and reduced to a writing that will become a public record and may be subject to inspection by third parties in accordance with Florida public records laws.

8. Notwithstanding any other directives within this policy, certain types of information that are confidential and/or exempt from the Public Records Law shall be protected accordingly and shall not be released or be subject to inspection by third persons.

9. At any time, if any involved party becomes aware of an accusation of unlawful behavior, sexual harassment, discrimination or behavior thought to threaten the safety of any person or persons whomsoever, such party shall immediately report such information to the General Manager, District Counsel and, if appropriate, local law enforcement. Failure to do so may result in disciplinary action, up to and including termination.

10. Complaints involving alleged discriminatory practices shall be processed in accordance with the District’s Sexual and other Unlawful Harassment Policy.

11. The Key Largo Wastewater Treatment District ("District") assures that all employees filing a Grievance or complaint can do so without fear of retaliation or reprisal.

DUTIES, FUNCTIONS AND ROLES

1. Grievant: It is the responsibility of the employee(s) who feels aggrieved:
   a. To communicate such Grievance in a timely manner relative to the events leading to the grievance.
   b. To comply with the time limits contained within this policy,
   c. To provide all facts, information and evidence pertaining to the Grievance in their entirety without embellishment, superfluous commentary or assumptions.
2. Immediate supervisor: It is the responsibility of ALL supervisors to support the District’s goal of maintaining a harmonious and hostility-free workplace environment. Therefore, immediate supervisors involved in an employee Grievance shall:
   a. Take all measures to ensure that any employee Grievance is handled in a professional manner
   b. Maintain an “open-door” policy related to Grievances
   c. Protect the employee(s) voicing or filing a Grievance from retaliatory action
   d. Promptly address employee(s) Grievances and attempt to avoid the unnecessary escalation of the issue
   e. Handle employee(s) Grievances with compassion and respect

3. Senior Staff Representative, including the General Manager: It is the responsibility of the Senior Staff to:
   a. Reinforce that all employee Grievance be handled in a professional manner
   b. Maintain and encourage immediate supervisors to maintain an “open-door” policy related to Grievances
   c. Protect the employee voicing or filing a Grievance from retaliatory action
   d. Promptly address employee(s) grievances and attempt to avoid the unnecessary escalation of the issue.
   e. Handle employee(s) grievances with compassion and respect
   f. Conduct Formal Meetings facilitated by the HR Representative consequential to a Formal Grievance being filed (as described in Step 4 above)
   g. Conduct independent investigation where applicable to determine the validity of employee grievances.
   h. Prepare written findings of any Formal Meeting conducted pursuant to this policy.

4. The HR representative:
   a. Is not empowered to make any decision with respect to the Grievance or to make any policy decisions.
   b. Shall document all steps and maintain accurate and thorough records throughout the entire grievance process.
   c. Shall facilitate all meetings and hearings between the employee and the management of the District
   d. Shall help guide the employee through the grievance process.