Key Largo Wastewater Treatment District
Board of Commissioner's Meeting
Tuesday, February 21, 2017
4:00 PM

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
Robert Majeska	Commissioner

DISTRICT STAFF:

Peter Rosasco	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. PUBLIC COMMENT

F. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. Minutes of February 7, 2017 — *Action*
2. Minutes of February 14, 2017 — *Action*

G. CONSTRUCTION REPORT

1. Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade — *Action*
2. Request for Retainage Reduction for Blower Upgrades Project — *Action*

H. OPERATIONS REPORT

1. Monthly Operations Report
2. Gas Monitoring Safety Equipment Demonstration

I. ENGINEER'S REPORT

J. ADMIN / CUSTOMER SERVICE REPORT

K. COMMISSIONER'S ITEMS

1. No Vote (Commissioner Gibbs)
2. Christian Severance (Commissioner Heim)
3. "How To" Search Methods for Wastewater Utility General Manager (Commissioner Heim)
4. Proposed Agenda Format Changes (Commissioner Heim)
5. Updates on Lobbyist(s) Activities (Commissioner Heim)
6. Status of Old Records Going Online (Commissioner Heim)

L. GENERAL MANAGER'S REPORT

M. LEGAL REPORT

1. General Counsel Employment Contract — *Action*
2. Amendment to Grievance Policy Approved 10-18-2016 — *Action*

   RESOLUTION DRAFT NO. 04-01-17

   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.
3. Resolution Rescinding Resolution No. 26-11-16 — *Action*

   RESOLUTION DRAFT NO. 08-02-17

   A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, RESCINDING RESOLUTION NO. 26-11-16, REQUESTING THE ASSISTANCE OF STATE REP. HOLLY RASCHEIN IN AMENDING THE PROVISIONS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO CHANGE THE DISTRICT'S FORMAL BOUNDARIES; AND PROVIDING FOR AN EFFECTIVE DATE.

N. BUDGET AND FINANCE REPORT

O. ROUNDTABLE DISCUSSION

1. Unfinished Business

P. 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: February 21, 2017

Agenda Item Number: F-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: District Clerk

Sponsor: Katherine Jackson

Subject:

Minutes of February 7, 2017

Summary of Discussion:

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

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Minutes of February 7, 2017
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 2-16-17
General Manager

MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on February 7, 2017. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Susan Heim, Stephen Gibbs, and Robert Majeska. Also present were General Manager Paul Christian, General Counsel Ray Giglio, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Mr. Jered Primicerio led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Tobin added 2 items under Agenda Additions, Corrections, or Deletions: 1) Monroe County Land Authority and 2) Florida Keys Aqueduct Authority. Commissioner Tobin also requested that the General Manager Employment Contract be the last item on the agenda, and that Unfinished Business (P-1) be tabled until a future meeting.
- Commissioner Gibbs added 3 items: 1) Grievance Policy 2) No Vote under Commissioner's Items and 3) Morgado, P.A. under Legal Report.
- Chairman Asdourian added a Zurwelle-Whittaker Update under Legal Report.
- Commissioner Heim requested Recurring Expenses (O-4) be tabled until a future meeting.
- Mr. Paul Christian removed Recognize District Staff and requested that Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade be changed from Action to Discussion.
- Mr. Ray Giglio added a discussion of decertification of Monroe County Judges to Legal Report.

APPROVAL OF AGENDA

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

Monroe County Land Authority (D-2)

The Board recognized Mr. Charles Pattison, Executive Director and Mr. Mark Rosch, Senior Property Acquisition Specialist of the Monroe County Land Authority (MCLA). Mr. Pattison addressed the Board of Commissioners and explained the Monroe County process for the purchase of conservation land. The Board discussed various concerns regarding waiving assessment revenues from the parcels that the MCLA will purchase in the future.

Commissioner Heim suggested that Resolution DRAFT No. 03-01-17–granting the Monroe County Land Authority (MCLA) a Conservation Waiver of Assessment for AK#1569216 and

AK#1569224,Pamela Villas, which are being conveyed to the MCLA, as Conservation Parcels—be brought back at a future meeting. Commissioner Tobin indicated that it would be his preference not to postpone the vote on the resolution.

Staff answered questions from the Board.

Motion: **Commissioner Gibbs made a motion to approve final Resolution No. 03-02-17 to remove AK#1569216 and AK#1569224 from the 2006 Non-Ad Valorem Assessment and Commissioner Tobin seconded the motion.**

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Tobin –	Aye
Commissioner Majeska –	Aye
Commissioner Heim –	Aye
Chairman Asdourian –	Aye

Motion Passed: 5 to 0

Florida Keys Aqueduct Authority (D-3)

The Board recognized Mr. Kirk Zuelch, Executive Director of the Florida Keys Aqueduct Authority (FKAA). Mr. Zuelch stated that the FKAA has not had discussions regarding Cross Key/Manatee Bay, but that he was willing to bring any concerns to the FKAA Board. Mr. Paul Christian stated that State Representative Holly Raschein would like the District and FKAA to work together to explore possible solutions to Cross Key/Manatee Bay before the District files for a legislative bill to change the charter and that an October 1, 2017 deadline should be sufficient.

Commissioner Tobin requested that FKAA provide a letter to the District confirming that both entities would work together to find a solution. Mr. Zuelch agreed that would be a good idea.

Staff answered questions from the Board.

Motion: **Commissioner Gibbs made a motion to ask State Representative Holly Raschein to hold off on this legislation until further notice and Commissioner Majeska seconded the motion.**

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Heim –	Nay
Commissioner Tobin –	Aye
Chairman Asdourian –	Aye

Motion Passed: 4 to 1

The Board directed staff to draft a resolution rescinding Resolution No. 26-11-16 and to bring it to a future Board meeting.

BUDGET AND FINANCE REPORT

FY2016 Financial Audit Schedule (E-1)

Mrs. Connie Fazio presented the fiscal year 2016 financial audit to the Board and requested that the Board appoint a commissioner as a Board representative for the audit. Staff answered questions from the Board.

Motion: **Commissioner Heim made a motion to appoint Commissioner Majeska as the Board's audit representative and Commissioner Gibbs seconded the motion.**

Vote on Motion

Commissioner Heim –	Aye
Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Tobin –	Aye
Chairman Asdourian –	Aye

Motion Passed: 5 to 0

KLWTD Plant Capacity Upgrade Expenses for 1st Quarter FY2017 (E-2)

Mrs. Connie Fazio presented to the Board the KLWTD plant capacity upgrade expenses for the 1st quarter for fiscal year 2017 and staff answered questions.

The Board requested staff add "preliminary" to the document, so it is not confused with an actual invoice.

457(b) Amendment (E-3)

Mrs. Connie Fazio presented Resolution DRAFT No. 05-02-17 and informed the Board that this formalized the vote taken on January 24, 2017 to lower the District 457(b) employer match age from 21 to 18. Staff answered questions from the Board.

Commissioner Tobin requested that when an amendment is being presented to the Board, the amended language be highlighted within the existing document; and that the entire document be presented to the Board when appropriate.

Motion: **Commissioner Majeska made a motion to approve final Resolution No. 04-02-17 and Commissioner Majeska seconded the motion.**

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Majeska –	Aye
Commissioner Tobin –	Aye
Chairman Asdourian –	Aye

Motion Passed: 5 to 0

PUBLIC COMMENT (F)

Name and Address	*Subject*
Burke Cannon 149 Westminster Tavernier, FL	Public Comment

Public Comment: Mr. Burke Cannon requested that Public Comment come before any additions to the agenda since he would have liked to speak to an item that came before public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of January 24, 2017 (G-1)

Commissioner Heim asked the Board and staff for clarification on a couple of items in the minutes. She also requested that where reference is made to a meeting with specific people, the names, of those people be included in the minutes. Staff answered questions from the Board.

Motion: **Commissioner Gibbs made a motion to approve the Minutes of January 24, 2017 as amended and Commissioner Majeska seconded the motion. The motion passed without objection.**

CONSTRUCTION REPORT

Monthly Construction Report (H-1)

Mr. Ed Castle presented the monthly construction report, and staff answered questions from the Board.

Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade

Mr. Ed Castle presented Airvac Quote No. 20032374, in the amount of $15,873.61 plus freight, and informed the Board that represents the cost of equipment, materials, and services that will be purchased and installed as part of the Vacuum Station F Booster Pump project, and answered questions from the Board.

This item will be brought back at a future Board meeting.

COMMISSIONER'S REPORT

Death Benefits (Commissioner Tobin) (L-1)

Commissioner Tobin led a discussion regarding the Board approving death benefit contributions for the late Commissioner Higgins. Mr. Ray Giglio informed the Board that any benefit would have to be part of a plan that included all commissioners, not just one. The Board debated their various concerns regarding the implementation of a death benefit for commissioners.

Staff answered questions from the Board.

EXTENSION: 6:03 PM
Motion: **Commissioner Heim made a motion to extend the meeting 30 minutes. The motion passed without objection.**

Computer Backup (Commissioner Tobin) (L-2)

Commissioner Tobin led a discussion regarding a company named Essential Net Solutions. He indicated that this company could possibly provide IT services to the District and he suggested that staff research this company and ask them to give a presentation to the Board. Mr. Rob Bulkiewicz informed the Board that the District is already in contract with a similar company called Codified, which is currently providing IT services to the District.

Commissioner Heim requested that the Codified contract be emailed to the commissioners and Commissioner Tobin requested that Codified give a presentation to the Board at a future middle meeting.

5 MIN BREAK: 6:16 PM

EXTENSION: 6:35 PM
Motion: **Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

Grievance Policy (Commissioner Gibbs) (L-3)

Commissioner Gibbs led a discussion regarding the grievance policy. Staff informed the Board that Mr. Dale Morgado, Esq. has not yet responded regarding the grievance policy. Commissioner Gibbs stated that he would like the grievance policy resolution to be added to a future agenda.

No Vote (Commissioner Gibbs) (L-4)

Commissioner Gibbs suggested amending the Board's Practices and Policies manual to provide that a commissioner who votes "nay" cannot request an item be reconsidered more than once.

Commissioner Gibbs requested that this item be brought back at a future meeting.

LEGAL REPORT

Morgado, P.A. Update (M-1)

This item was discussed under *Grievance Policy (L-3).*

Zurwelle-Whittaker Update (M-2)

Mr. Ray Giglio informed the Board that Mr. Eddie Martinez of Zurwelle-Whittaker has not completed the grinder pump surveys as of the time of the meeting, but that he had promised to do so by the end of the week, and staff answered questions from the Board.

Decertification of Monroe County Judges (M-3)

Mr. Ray Giglio informed the Board that Mr. Bob Schillinger, Monroe County Attorney, had requested that entities with lobbyists in Tallahassee work against the proposed decertification of one or more County Court judges in the Florida Keys. Commissioner Tobin spoke to the importance of keeping the county judges in Monroe County.

Kate DeLoach, Legislative Aide to State Representative Holly Raschein, informed the Board that both Representative Raschein and Florida Senator Anitere Flores are monitoring the situation in Tallahassee.

The Board directed staff to ask Cynthia Henderson, the District's lobbyist in Tallahassee, to advocate against the decertification of the County Court, and directed Mr. Giglio to email Mr. Schillinger that the Board has responded positively to his request.

EXTENSION: 7:00 PM
Motion: **Commissioner Heim made a motion to extend the meeting 30 minutes. The motion passed without objection.**

GENERAL MANAGER'S REPORT

General Manager Employment Contract (N-1)

Commissioner Gibbs stated that Mr. Paul Christian has served the District well and that he favored renewal or Mr. Christian's contract. Commissioners Tobin, Majeska and Heim stated that they were unable to support renewal of Mr. Christian's contract. The Board debated the renewal of the General Manager's contract and possible severance packages.

Mr. Christian addressed the Board to express his gratitude for the opportunity that he has been given to serve the District as a contractor, as a member of staff, and as the General Manager.

Motion: **Commissioner Tobin made a motion to not renew the General Manager's existing employment contract and to offer a severance package of continued salary and all benefits for 90 days with the requirement that Mr. Paul Christian assist the District in the transition for 30 days up to 60 days, and Commissioner Heim seconded the motion.**

Vote on Motion

Commissioner Tobin –	Aye
Commissioner Heim –	Aye
Commissioner Gibbs –	Nay
Commissioner Majeska –	Aye
Chairman Asdourian –	Nay

Motion Passed: 3 to 2

Mr. Ray Giglio tendered his resignation from the position of District Counsel effective April 30, 2017.

ADJOURNMENT

The Meeting was adjourned at 7:57 PM.

_____

David Asdourian, Chairman

_____

Katherine Jackson, Clerk

RESOLUTION NO. 03-02-17

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 2006 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 2006 Non Ad-Valorem Assessment.

Section 1.

PARCEL ID:	00465790-000000
AK NO.	1569216
PARCEL DESCRIPTION:	BK 9 LT 19 PAMELA VILLA PB3-125 KEY LARGO OR491-982-983 OR795-1281 OR1126-832/33PR OR1876-868 OR1876-869 OR1876-870
PARCEL ID:	00465800-000000
AK NO.	1569224
PARCEL DESCRIPTION:	BK 9 LT 20 PAMELA VILLA PB3-125 KEY LARGO OR491-982-983 OR795-1281 OR1126-832/33PR OR1876-868 OR1876-869 OR1876-870

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 7TH DAY OF FEBRUARY 2017

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

	AYE	NAY
Chairman Asdourian	✓	___
Commissioner Gibbs	✓	___
Commissioner Heim	✓	___
Commissioner Majeska	✓	___
Commissioner Tobin	✓	___

The Chairman thereupon declared this Resolution duly passed and adopted the 7th day of February, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
David Asdourian, Chairman

ATTEST:

_____
Katherine Jackson, Clerk

SEAL

Approved to as to form and legal sufficiency

_____
Ray Giglio, General Counsel

RESOLUTION NO. 04-02-17

A RESOLUTION OF THE BOARD OF COMMISSIONERS ADOPTING AN AMENDMENT TO THE 457(B) PLAN OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District ("District") currently maintains and contributes to a 457(b) Plan ("Plan") for the benefit of employees of the District; and

WHEREAS, under the current Plan, the District makes employer contributions on behalf of full-time employees who have completed of six months of service and have attained the age of twenty-one (21) years; and

WHEREAS, the Board of Commissioners has determined that it would be in the best interest of the District to amend the current Plan to change the age at which full-time employees who have completed of six months of service become eligible to receive employer matching funds from twenty-one (21) years of age to eighteen (18) years of age: and

WHEREAS, the plan shall be amended in accordance with the form attached hereto.

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

Section 1. The Plan shall be and is amended in the form attached hereto, which amendment is hereby adopted and approved by the Key Largo Wastewater Treatment District (referred to in the Plan as the "Company").

Section 2. APPLICABILITY AND EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of Commissioners.

Section 3. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions as they may deem necessary, appropriate or convenient to implement the foregoing resolutions including, without limitation, execution of the attached amendment and causing to be prepared and filed such reports, documents or other information as may be required under applicable law.

RESOLVED AND ADOPTED THIS 7th DAY OF FEBRUARY, 2017

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

	AYE	NAY
Chairman Asdourian	✓	____
Commissioner Gibbs	✓	____
Commissioner Heim	✓	____
Commissioner Tobin	✓	____
Commissioner Majeska	✓	____

The Chairman thereupon declared this Resolution duly passed and adopted the 7th day of February, 2017

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: _____
Chairman

ATTEST:

_____
Katherine Jackson, District Clerk

Approved to as to form and legal sufficiency

_____
General Counsel, Ray Giglio

SEAL

Key Largo Wastewater Treatment District
Seal

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: F-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: District Clerk

Sponsor: Katherine Jackson

Subject:

Minutes of February 14, 2017

Summary of Discussion:

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

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Minutes of February 14, 2017
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 2.16.17
General Manager

MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on February 14, 2017. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Susan Heim, Stephen Gibbs, and Robert Majeska. Also present were General Manager Peter Rosasco with Bishop, Rosasco & Co., General Counsel Ray Giglio, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Mr. Chris Sante led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Gibbs requested that the General Counsel Employment Contract be removed and that 3 items be added under Roundtable Discussion: 1) Procedure for Hiring a New General Manager, 2) Procedure for Hiring a New General Counsel and 3) Permanently going to 2 meetings per month.
- Commissioner Tobin requested that Proposed Amendment to Practices and Procedures Manual be moved to March 7, 2017.
- Chairman Asdourian added the General Manager Consultant Agreement under Public Comment.
- Mr. Ray Giglio added a discussion of his resignation date under Legal Report.

APPROVAL OF AGENDA

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

PUBLIC COMMENT (E)

Name and Address	*Subject*
Ken Griffin 811 S. Ruby Drive Key Largo, FL	Public Comment
Chris Sante 300 Atlantic Drive Key Largo, FL	Public Comment

Public Comment: Mr. Ken Griffin, a representative of the Silver Shores Homeowners Association, addressed the Board regarding Silver Shore's claim that the District is responsible

for the failure of their wastewater pumps, and their request that the District enter into settlement discussions.

Commissioner Tobin requested that this matter be put on the agenda at a future meeting.

Commissioner Heim recused herself from all future discussions and votes regarding Silver Shores due to a conflict of interest.

Public Comment: Mr. Chris Sante spoke in support of the proposed legislation change to exclude Cross Key/Manatee Bay from the District's boundaries. Mr. Sante answered questions from the Board.

General Manager Consultant Contract (E-1)

Chairman Asdourian led a discussion regarding the proposed Consultant Agreement with Bishop, Rosasco & Co., by the terms of which, Peter Rosasco will act as, and discharge the duties of, the District's General Manager. Mr. Rosasco addressed the Board, discussed his qualifications for the position, and answered questions from the Board.

Motion: **Commissioner Gibbs made a motion to accept the Consultant Agreement with Bishop, Rosasco and Co., by the terms of which, Mr. Peter Rosasco will provide General Manager Services to the District for an amount not to exceed $7,500 per month, and Commissioner Tobin seconded the motion.**

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Tobin –	Aye
Commissioner Majeska –	Aye
Commissioner Heim –	Aye
Chairman Asdourian –	Aye

Motion Passed: 5 to 0

OPERATIONS REPORT

Air Line Upgrades (F-1)

Mr. Jered Primicerio, Plant Operations Manager, gave a presentation regarding the loud noise heard at the plant on January 1, 2017 and the recent upgrades to the air lines on the SBR tanks. Staff answered questions from the Board.

LEGAL REPORT

General Counsel Resignation Date (G-1)

Commissioner Heim led the discussion regarding Mr. Ray Giglio's resignation date and stated that effective March 1, 2017 – the end of his 60-day contract extension – she would like Mr. Giglio to be paid on an hourly, rather than a monthly, basis for any further legal services. Mr. Giglio stated that he had reservations about how an hourly billable rate would impact his availability to staff.

The Board requested further discussions to continue under H-2.

ROUNDTABLE DISCUSSION

Unfinished Business (H-1)

The Board did not discuss *Unfinished Business.*

Procedure for Hiring a New General Counsel (Commissioner Gibbs) (H-2)

Commissioner Gibbs stated that he would like the Board to establish a procedure for hiring a new General Counsel for the District. Chairman Asdourian suggested that Mr. Peter Rosasco be given an opportunity to gather information on the District's needs and to bring that information back to the Board at a future meeting. The Board discussed various suggestions and options for hiring a new attorney, and staff answered questions from the Board.

The Board requested that this item be brought back at a future meeting.

Procedure for Hiring a New General Manager (Commissioner Gibbs) (H-3)

Commissioner Heim led the discussion regarding a procedure for hiring a new General Manager, and suggested that criteria, a committee, and a time frame should be decided upon. Commissioner Majeska suggested that Mr. Peter Rosasco should be given time to gather information on the District's needs.

The Board requested that this item be brought back at a future meeting.

2 Meetings Per Month (Commissioner Gibbs)

Commissioner Gibbs requested that the Board consider permanently going to 2 meetings per month instead of 3, and suggested that the new schedule be implemented in April or May.

Commissioner Majeska requested that Mr. Ray Giglio and Mr. Ed Castle analyze the Silver Shores situation. Commissioner Tobin suggested that Mr. Giglio speak with the Silver Shores attorney about this matter and requested that the letters between the Silver Shores attorney and Mr. Ray Giglio be resent to the Board.

Commissioner Heim stated that she had determined that her request that the draft agenda be released to commissioners and the public a week prior to a meeting was unworkable, and she requested that the agenda just be published a day earlier – on Thursdays instead of Fridays.

ADJOURNMENT

The Meeting was adjourned at 5:29 PM.

_____

David Asdourian, Chairman

_____

Katherine Jackson, Clerk

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: G-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: Construction

Sponsor: Ed Castle

Subject:

Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade

Summary of Discussion:

Staff will present Airvac Quote No. 20032374 in the amount of $15,873.61 plus an estimated $1,000.00 freight, to provide equipment, materials and services for the Vacuum Station F Booster Pump project.

Reviewed / Approved

Operations:	Memo
Administration:	
Finance:	
District Counsel:	
District Clerk:	
Engineering:	

Financial Impact

$ 16,873.61

Expense

Funding Source:

Rate Revenue

Budgeted:

No

Attachments

1. Memo from Ed Castle
2. Quote from Airvac
3. Purchase Order No. 17-499896

Approved By: _____ **Date:** 2-16-17

General Manager

WEILER ENGINEERING CORPORATION

WEC Excellence in engineering

201 WEST MARION AVENUE - SUITE 1306 | PUNTA GORDA | FL 33950
TEL 941·505·1700 | FAX 941·505·1702 | WWW.WEILERENGINEERING.ORG

6805 OVERSEAS HIGHWAY | MARATHON | FL 33050
TEL (305) 289-4161 | FAX(305) 289-4162

MEMORANDUM

To: Paul Christian

From: Ed Castle, PE

Date: January 31, 2017

Re: Vacuum Station F Booster Pump

Background

Vacuum Station F is the vacuum station located on Ocean Bay Drive in the Key Largo Ocean Shores area. Unlike all the other vacuum stations, Vacuum Station F does not have its own set of vacuum pumps. The station consists of a vacuum tank and two sewage pumps. Vacuum is supplied to the station from the vacuum pumps at Vacuum Station E through a vacuum main pipe.

Vacuum Station F has historically had periodic low vacuum levels during periods of high use. The low vacuum levels require personnel to respond and manually purge lines to restore the vacuum to normal levels. If this is not done, the Vacuum Station F collection system could begin to perform poorly and may cause backups at the vacuum pits.

Weiler Engineering studied options for improving the performance at Vacuum Station F that included evaluating alternative routes for piping, connection Vacuum Station F to Vacuum Station G, and installation of a vacuum booster pump. It was determined that installing a vacuum booster pump would be the most cost-effective means of improving the performance.

Normally, vacuum pumps discharge air into the atmosphere through odor control devices. The Vacuum Station F site does not have sufficient space to install an odor control system. Weiler Engineering's studies indicated that the vacuum booster pump and piping could be configured so that the exhaust could be discharged into the vacuum main going to Vacuum Station E, thus avoiding the need for an odor control system. KLWTD staff and Weiler Engineering set up a demonstration to verify the effectiveness of this approach, using the District's Vactron's vacuum pump. The trial demonstrated that the vacuum conditions at Vacuum Station F could be improved without adversely impacting the vacuum conditions at Vacuum Station E.

The District published a Request for Proposals for installing the booster vacuum pump at Vacuum Station F, but the sole bid was deemed to be excessively high. The District then

decided to self-perform the majority of the work, contracting out only the electrical and the vacuum pump programming and startup.

Purchase of Airvac Equipment

The District is now moving forward with installing the booster pump at Vacuum Station F. The attached quote from Airvac includes providing the Mink 1324 vacuum pump and the necessary control panel components, as well as terminating the wiring at the control panel.

The cost of the Airvac scope of supply is $15,873.61 plus an estimated $1,000.00 freight charge. It is estimated that the additional plumbing components, mounting bracket and electrical work will not exceed $20,000, plus the cost if in-house labor. The project is expected to be completed for less than half of the price received from bidding.

Aqseptence Group, Inc.
4217 N. Old US Highway 31
Rochester, IN 46975
Tel# 574.223.3980

Aqseptence Group

Sold-to address
Key Largo Wastewater Treatment Dist
P.O. Box 491
Key Largo FL 33037

Ship-to address
Key Largo Waste Water Treatment
100301 Overseas Hwy
Key Largo FL 33037

Repeat printout

Quotation

Number/Date 20032374 / 12/06/2016
Reference no./Date
Sold-To 10000584
Validity period 12/06/2016 to 02/13/2017
Sales person name South East
Entered by Becky Murphy

We deliver according to the following conditions:
Currency USD
Terms of payment: Within 30 days without deduction
Terms of delivery: CIP Key Largo, FL

THIS IS NOT A BILL

US05KEY02P01
*freight not in quote, to be added when invoiced

Item	Material Description	Qty	UoM	Price		Value
000010	NS-VAC PMP ACCS VACUUM PUMPS & ACCESSORIES MM1324.AVA6.11xx Mink vacuum pump 5 HP 106 ACFM Dry, non-contacting, rotary claw design 230/460 Volt, 60 Hz, 3 Phase, NEMA motor Aqua coating on internal wetted components *2" inlet & 1" outlet	1.000	EA	10,786.50	USD	10,786.50
000020	NS NON-STOCK PART Motor Starter	1.000	EA	800.00	USD	800.00
000030	NS NON-STOCK PART Misc. electrical components	1.000	EA	200.00	USD	200.00
000040	NS-SERVICE CONT SERVICE DEPARTMENT *2 day on-site service trip fee	1.000	EA	3,140.00	USD	3,140.00

Item	Material Description	Qty	UoM	Price		Value
000060	ELEHRMETER HOUR METER 60 HZ	1.000	EA	51.99	USD	51.99
000070	10000000594 FREIGHT BILLED NON-TAXABLE *estimated freight, actual freight to be added when invoiced	1.000	EA	859.12	USD	859.12

Items total			15,837.61
Tax Jur Code Level 1	0.000	15,837.61	0.00
Final amount			15,837.61

THIS IS NOT A BILL

Aqseptence Group, Inc., on behalf of its designated affiliates and subsidiaries (such term shall include any subsidiary, division or affiliate of Aqseptence Group, Inc. as designated (hereinafter Aqseptence Group) will furnish requested equipment, materials or service (hereinafter Goods) to buyer. Such provision shall be governed by Aqseptence Group's terms and conditions published at : www.aqseptence.com (follow the link to Johnson Screens product page. The Terms and Conditions are located on the bottom right of the landing page) and/or that are forwarded with the order request [hereinaftet Terms]. These Terms shall control and govern all transactions between Buyer and Aqseptence Group, whether under subsequent verbal and/or written requests, unless subject to an express, duly executed agreement which is not a pre-printed form)for the particular subject matter effective either upon buyer signing the Terms or order confirmation or quote, or upon Aqseptence Group shipping the Goods or otherwise commencing performance, whichever occurs first. The Terms, together with the specifications, drawings and other requirements specified, constitutes the entire agreement between the parties, and all prior negotiations are proposals related thereto are superseded and of no effect. Any written confirmation by buyer containing additional or different terms from the Terms shall be of no effect, unless Aqseptence Group expressly agrees, in writing, to such additional or different terms.

Purchase Requisition

Number: 17-499896

Requested Date: 02/06/2017

Required Date: 02/21/2017
Requested By: MIKE DEMPSEY
Department: COLL1

Preferred Vendor:
0008
Aqseptence Group Inc.
Dept. 3722
PO Box 1123722
Dallas, TX 75312-3722

Ship To:
KEY LARGO WASTEWATER
TREATMENT DISTRICT
103355 OVERSEAS HWY
Key Largo, FL 33037

Req. Description: Airvac Equipment and Services Vac Station F Upgrade

Quantity	Units	Description		Unit Price	Amount
1		NS-VAC PMP Accs 401-5352-640.001.00	10,786.50	10,786.50	10,786.50
1		2" Inlet & 1" Outlet 401-5352-640.001.00	800.00	800.00	800.00
1		Misc. Electrical Components 401-5352-640.001.00	200.00	200.00	200.00
1		Onsite Servive Trip Fee (2 days) 401-5352-640.001.00	3,140.00	3,140.00	3,140.00
1		ELEHRMETER 401-5352-640.001.00	51.99	51.99	51.99
1		Freight 401-5352-640.001.00	859.12	859.12	859.12
				Total:	15,837.61

Approved By _____ Date _____

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: G-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: Construction

Sponsor: Ed Castle

Subject:

Request for Retainage Reduction for Blower Upgrades Project

Summary of Discussion:

Staff will present a request by Wharton Smith to reduce the retainage on the Blower Upgrades Project to 2% effective on Progress Payment Application No. 10.

Reviewed / Approved

Operations: Memo

Administration: _____

Finance: _____

District Counsel: _____

District Clerk: _____

Engineering: _____

Financial Impact

$ 0.00

Expense

Funding Source: N/A

Budgeted: N/A

Attachments

1. Memo from Ed Castle
2. Emails between Ed Castle and Ray Giglio.

Approved By: _____ **Date:** 2-16-17

General Manager

WEILER ENGINEERING CORPORATION

WEC Excellence in engineering

201 WEST MARION AVENUE - SUITE 1306 | PUNTA GORDA | FL 33950
TEL 941·505·1700 | FAX 941·505·1702 | WWW.WEILERENGINEERING.ORG

6805 OVERSEAS HIGHWAY | MARATHON | FL 33050
TEL (305) 289-4161 | FAX(305) 289-4162

MEMORANDUM

To: KLWTD Board

From: Ed Castle, PE

Date: February 10, 2017

Re: Blower Upgrades Project Retainage Reduction Request

Wharton Smith has requested a reduction in retainage to 2% on their pay application No. 10 for the Blower Upgrades Project. The Agreement between Wharton Smith and the District provides for a reduction to 5% upon reaching 50% completion. This reduction was provided at the appropriate point.

There is no statement made regarding further reduction of retainage in the Agreement or General Conditions. It is my opinion that the District is not obligated to reduce the retainage to 2% at this point. However, I believe that the District may further reduce the retainage, at its discretion. See the excerpts below from 218-375 FS.

(d) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may present to the local governmental entity a payment request for up to one-half of the retainage held by the local governmental entity. The local governmental entity shall promptly make payment to the contractor, unless the local governmental entity has grounds, pursuant to paragraph (f), for withholding the payment of retainage. If the local governmental entity makes payment of retainage to the contractor under this paragraph which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.

(e) This section does not prohibit a local governmental entity from withholding retainage at a rate less than 10 percent of each progress payment, from incrementally reducing the rate of retainage pursuant to a schedule provided for in the contract, or from releasing at any point all or a portion of any retainage withheld by the local governmental entity which is attributable to the labor, services, or materials supplied by the contractor or by one or more subcontractors or suppliers. If a local governmental entity makes any payment of retainage to the contractor which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.

The remaining work on the blower upgrade project consists of work requested by the District through a Change Order. Final Completion of the project has been significantly delayed due to the procurement time for the District-purhcased valve actuators. This has extended the time in which the District is holding approximately $47,000 in retainage (5% of completed work). Releasing the retainage down to 2% would leave the District holding approximately $15,000 in retainage.

Wharton Smith has completed a number of projects for the District without unnecessary delays and without claims made at the end of the projects. The District and Wharton Smith have always had a good working relationship. It is my opinion that reducing the retainage for the Blower Upgrades Project to 2% would not expose the District to any additional risk. Prior to reducing the retainage, however, Wharton Smith should provide written consent to the reduction from their Surety.

I have consulted with Ray Giglio regarding this issue, and he concurs that the District may, but is not required to, reduce the retainage to 2%. See the attached email string for details.

From: Ed Castle <edrcastle@me.com>
Subject: Re: 15-114 - KLWTD Blower Upgrades - Pay Application
Date: February 3, 2017 at 2:24:12 PM EST
To: Ray Giglio <ray.giglio@klwtd.com>
Cc: Paul Christian <paul.christian@klwtd.com>, Laura Weinstock <laura.weinstock@klwtd.com>, Lori Farthing <lfarthing@weilerengineering.org>, Connie Fazio <connie.fazio@klwtd.com>

Thanks Ray. I will put together an ARF and backup for Katherine to add to a Board meeting agenda.

Edward R. Castle, PE
Weiler Engineering Corporation

On Feb 3, 2017, at 1:37 PM, Ray Giglio <ray.giglio@klwtd.com> wrote:

Ed,

I see no legal reason why the District should not grant the request of Wharton-Smith (WS) for a reduction in retainage to 2%. It appears that the remaining retainage is adequate to protect the District's interests, and it does not appear (based upon our prior experience with WH) that the District needs to be concerned about WH not finishing the project.

Moreover, given the long-standing relationship that the District has had with WS, and the fact that WH has time and again demonstrated that they are willing to work with the District and to accommodate all reasonable requests from the District, it seems appropriate to grant this reasonable request from WS. This is especially true in this case where, as you point out, the District's change orders have caused a delay in WS's ability to achieve final completion.

However, I completely agree that WS should provide a letter from their Surety

consenting to the release of the retainage.

I have discussed this with Paul, and he has no objection to granting Wharton Smith's request. However, as the sums to be released amount to $32,000, it will be necessary to obtain Board approval. We will, therefore, bring this before the Board as soon as possible. I am sending a copy of this email to the Commissioners to give them a heads-up.

By the way, your explanatory email was extraordinarily thorough and well written. You would make an excellent Judge.

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 or she does not inadvertently copy fellow commissioners.

From: Ed Castle [mailto:edrcastle@me.com]
Sent: Monday, January 30, 2017 2:26 PM
To: Paul Christian; Ray Giglio
Cc: Laura Weinstock; Lori Farthing
Subject: Fwd: 15-114 - KLWTD Blower Upgrades - Pay Application

Paul and Ray,

Wharton Smith is requesting a reduction in retainage to 2% at this point. The Agreement provides for a reduction to 5% upon reaching 50% completion. There is no statement made regarding further reduction of retainage in the Agreement or General Conditions. It is my opinion that the District is not obligated to reduce the retainage to 2% at

this point. However, I believe that the District MAY further reduce the retainage, at its discretion. See the excerpts below from 218-375 FS.

(d) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may present to the local governmental entity a payment request for up to one-half of the retainage held by the local governmental entity. The local governmental entity shall promptly make payment to the contractor, unless the local governmental entity has grounds, pursuant to paragraph (f), for withholding the payment of retainage. If the local governmental entity makes payment of retainage to the contractor under this paragraph which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.

*(e) **This section does not prohibit a local governmental entity from withholding retainage at a rate less than** 10 percent of each progress payment, from incrementally reducing the rate of retainage pursuant to a schedule provided for in the contract, **or from releasing at any point all or a portion of any retainage** withheld by the local governmental entity which is attributable to the labor, services, or materials supplied by the contractor or by one or more subcontractors or suppliers. If a local governmental entity makes any payment of retainage to the contractor which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.*

The remaining work on the blower upgrade project does consist of work requested by the District through a Change Order. Final completion of the project has been significantly delayed due to the procurement time for the District-purhcased valve actuators. This has extended the time in which the District is holding approximately $47 K in retainage (5% of completed work). Releasing the retainage down to 2% would leave the

District holding approximately $15 K in retainage.

Granting the requested reduction in retainage may be seen by Wharton Smith as a gesture of good will and may help ensure their cooperation and good will in completing the blower and chemical upgrade projects. On the other hand, the main purpose of holding retainage until Final Completion is as an inducement to complete the work. I can support either position.

Ray, if the District decides to reduce the retainage to 2% at this time, it might be best to have Wharton Smith provide a letter from their Surety consenting to the release of the retainage. What do you think?

Edward R. Castle, PE
Weiler Engineering Corporation

Begin forwarded message:

From: James Contino <jcontino@whartonsmith.com>
Subject: 15-114 - KLWTD Blower Upgrades - Pay Application
Date: January 25, 2017 at 2:39:42 PM EST
To: "lfarthing@weilerengineering.org" <lfarthing@weilerengineering.org>
Cc: "Ed Castle, P.E. (edrcastle@me.com)" <edrcastle@me.com>, "ssuggs@weilerengineering.org" <ssuggs@weilerengineering.org>, Erica Marnati <emarnati@whartonsmith.com>, Michelle Bellevue <mbellevue@whartonsmith.com>, Curtis Matte <cmatte@whartonsmith.com>

Lori,

Attached please find the following with regards to the above subject project:

- Pay Application #10 – Preliminary Copy

Please note that we are requesting that retainage be lowered to 2% as the remaining work is owner requested change order. Please confirm if approved to proceed with formal submission.

Thanks,

James M. Contino | Project Manager
Wharton-Smith, Inc. | Construction Group of Choice
| www.whartonsmith.com

125 W. Indiantown Road, Suite 201, Jupiter, FL 33458
Office: (561) 748-5956 Ext. 2321 | Cell: (561) 354-8786 | Fax: (561) 748-5958

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: H-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Operations

Sponsor: Ed Castle

Subject:

Monthly Operations Report

Summary of Discussion:

Ed Castle, P.E. has provided an update on the status of the KLWTD operations department.

Reviewed / Approved		Financial Impact	Attachments
Operations:	Memo	$ 0.00	1. January Operations Department Update
Administration:			
Finance:		Funding Source: Grant(s)	
District Counsel:			
District Clerk:		Budgeted: N/A	
Engineering:			

Approved By: _____ **Date:** 2-16-17

General Manager

Key Largo Wastewater Treatment District
103355 Overseas Highway, Key Largo, FL 33037
Post Office Box 491, Key Largo, FL 33037
Phone (305) 451-4019 • www.klwtd.com

Memo

To: KLWTD Commissioners

Cc: Peter Rosasco, General Manager

From: Ed Castle, P.E.

Date: January 2017

Re: Monthly Operations Report

Plant Operations

The wastewater treatment plant processed an average of 1.43 million gallons per day (MGD) of wastewater. Zero plant related odor complaints were received for the month of January.

Effluent Quality Report

Effluent Quality Parameter	January 2017 Plant Performance	Annual Plant Performance Average	AWT Limit Annual Average
CBOD5 (Carbonaceous Biochemical Oxygen Demand)	1.0	1.11	5
TSS (Total Suspended Solids)	0.3	0.67	5
TN (Total Nitrogen)	2.8	2.0	3
TP (Total Phosphorous)	*	*	1

* The monthly and annual averages for TP were not available when this report was prepared. We are still waiting for data from two TP samples sent to the lab on January 30th and 31st.

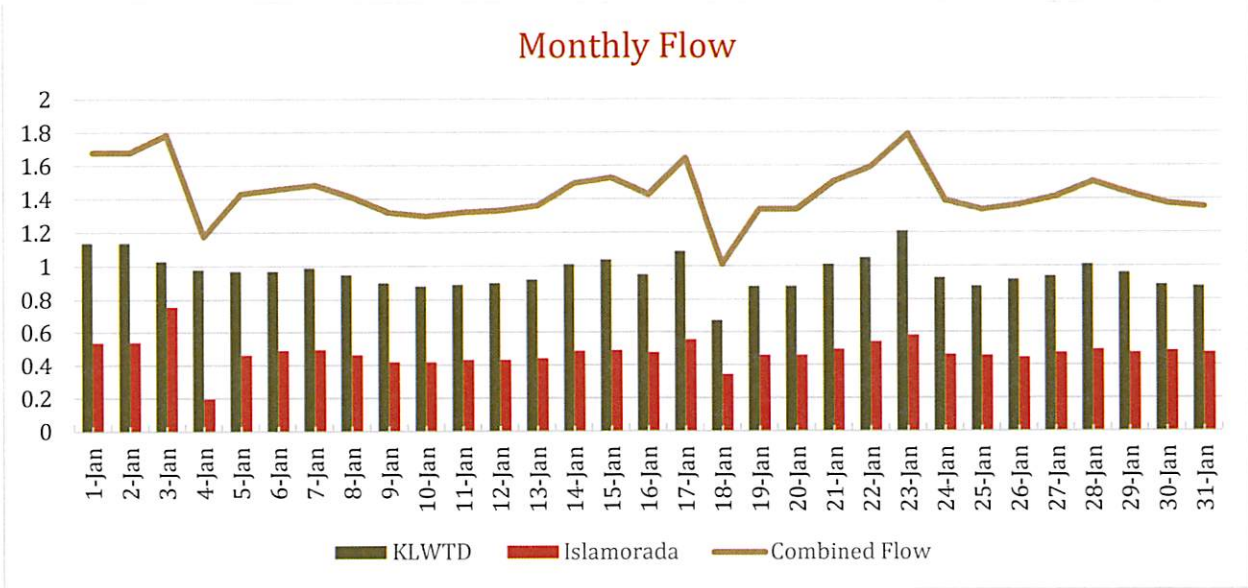
The laboratory results from the effluent composite sample collected on January 9th showed a TP value of 6.49 mg/l. This exceeds the single sample limit of 2.0 mg/l. Per standard procedures, the KLWTD staff performed a non-certified TP test on the composite sample before sending it out and got a result of 0.2 mg/l.

When the high result was received from the lab, Jered Primicerio contacted the laboratory to verify that lab had not mis-reported the value. He was told that the lab records showed no problems with the sample. The reported value from the DOH

certified lab must be reported on the monthly Discharge Monitoring Report. The reason for the high TP result from the certified lab is unknown at this point, but it is suspected that the sample bottle from the lab may have been contaminated or that the sample was contaminated when transferred from the composite sample jug to the TP bottle.

Jered then contacted Gus Rios at FDEP to inform him of the high result. After his discussion with Mr. Rios, Jered initiated an increased sampling schedule for TP for the remainder of the month to try to bring the January average for TP down below the limit of 1.25 mg/l, as approved by Mr. Rios.

Based on the TP values received from the certified laboratory thus far, it is anticipated that the monthly average for January will be in compliance.



Field Operations

The collection system operated normally throughout the month of January with an average number of system-generated alarm notifications. These notifications and all customer-generated calls were addressed by the collection staff with no negative consequences to the District's customers with the exception of 5 callouts. The details of these callouts are:

BACK-UPS

Address	Date	Incident	Response	Follow-up Complete?	Damage?
7 Orange Drive	January 6, 2017	Pit not firing and causing a backup	Pit simulated and working. Homeowner issue	Yes	No
106 Tree Lane	January 9, 2017	Backup issues	Replaced kinked breather hose and simulated pit	Yes	No
102601 Overseas Hwy	January 16, 2017	Water coming out of manhole	Replaced broken valve clip and switched controller on buffer tank	Yes	No
4 Transylvania Ave	January 19, 2017	Buffer tank overwhelmed	Repaired diaphragm and sensor tube and simulated pit	Yes	No
101691 Overseas Hwy	January 25, 2017	Backup at restaurant	Repaired sump valve, changed surge suppressor and simulated pit	Yes	No

ODOR COMPLAINTS

Address	Date	Incident	Response	Customer Follow-up Complete?
6 Atlantic Drive	January 31, 2017	Strong odor in area	Smell coming from mangroves	Yes

Respectfully Submitted,

Ed Castle, P.E.

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: H-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Operations

Sponsor: Ed Castle

Subject:

Gas Monitoring Safety Equipment Demonstration

Summary of Discussion:

Mr. Ryan Dempsey, Maintenance Supervisor, to give a demonstration of the gas monitoring safety equipment.

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

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: K-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Commissioner's Item

Sponsor: Commissioner Gibbs

Subject:

No Vote

Summary of Discussion:

Proposed change to Board's Practices and Policies Handbook:

Conduct of Meetings under 1. (2) "A commissioner has the right to request consideration of any item one time only regardless of whether. . . ."

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

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: K-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Commissioner's Item

Sponsor: Sue Heim

Subject:

Christian Severance

Summary of Discussion:

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

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date:
February 21, 2017

Agenda Item Number: K-3

Agenda Item Type:
Information / Presentation

Agenda Item Scope:
Review / Discussion

Recommended Action:
Discussion

Department:
Commissioner's Item

Sponsor:
Sue Heim

Subject:
"How To" Search Methods for Wastewater Utility General Manager

Summary of Discussion:

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

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: K-4

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Commissioner's Item

Sponsor: Sue Heim

Subject:

Proposed Agenda Format Changes

Summary of Discussion:

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Proposed Agenda Changes
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 2-06-17
General Manager

Proposed Agenda changes – starts with **G**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

((insert Recognition of District Staff when needed.)

E. PUBLIC COMMENT

F. APPROVAL OF MINUTES

G. COMMISSIONER'S ITEMS

H. GENERAL MANAGER REPORT

I. BUDGET and FINANCE REPORT

J. LEGAL REPORT

K. ADMIN/CUSTOMER SERVICE

L. OPERATIONS REPORT

M. ENGINEER'S REPORT

N. CONSTRUCTION REPORT

O. ROUNDTABLE DISCUSSION
1. Unfinished Business

J. ADJOURNMENT

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: K-5

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Commissioner's Item

Sponsor: Sue Heim

Subject:

Updates on Lobbyist(s) Activities

Summary of Discussion:

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

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: K-6

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Commissioner's Item

Sponsor: Sue Heim

Subject:

Status of Old Records Going Online

Summary of Discussion:

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

Approved By: _____ **Date:** 2-16-17

General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: M-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action: Approval

Department: Legal

Sponsor: Ray Giglio

Subject:

General Counsel Employment Contract

Summary of Discussion:

The General Counsel's employment contract, which ran from January 1, 2016 to December 31, 2016, was extended to run until March 1, 2017. The attached contract runs month to month starting March 1, 2017, and either party can cancel upon 30 days notice. This contract includes the requirement to submit a time sheet at the close of each calendar month. Salary is unchanged from the 2016 agreement at $9,000 per month ($108,000 per year). The contract includes no benefits except for the District's 457(b) match.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 108,000.00	1. General Counsel Employment Contract
Administration:	_____	Expense	2. 2016 General Counsel Employment Contract
Finance:	_____	Funding Source:	
District Counsel:	RK	Rate Revenue	
District Clerk:	_____	Budgeted:	
Engineering:	_____	Yes	

Approved By: _____ **Date:** 2-16-17
General Manager

Employment Contract and Agreement for Legal Services By and Between Ray Giglio and Key Largo Wastewater Treatment District

This agreement is entered into, by, and between **Ray Giglio** ("the Attorney") and the **Key Largo Wastewater Treatment District** ("the District"). This agreement is effective as of March 1, 2017, and shall run month-to-month until terminated by either party. Either party may terminate this agreement for any reason or for no reason, upon THIRTY (30) DAYS written notice to the other party.

The District agrees to pay the Attorney, and the Attorney agrees to accept, a monthly salary of NINE THOUSAND ($9,000.00) DOLLARS.

In consideration for the monthly salary shown above, the Attorney agrees to personally provide the following professional services:

The Attorney agrees promptly and diligently to provide legal services in connection with the District's business, as requested by the District's Board of Commissioners, by individual Commissioners, and/or by other representatives of District, who have been duly authorized by the Board of Commissioners to request legal services on behalf of District.

The Attorney further agrees to attend all District Board meetings, currently scheduled for the first three Tuesday evenings of each month, for the purpose of providing legal services, which shall include reviewing the meeting notice and agenda and reviewing the meeting minutes. The Attorney also agrees to attend client conferences as needed.

In addition to the monthly salary shown above, the District agrees to reimburse the Attorney for travel costs, including mileage, meals, and lodging, at rates approved by the District and consistent with the policies of the District and the rates allowed for travel by District employees, as set out in the District Travel Expense Policy. Quarterly, the Attorney shall deliver to the District a detailed statement showing reimbursable charges or expenses incurred during the preceding 3 months. Payment of such charges or expenses shall be due within 60 days after receipt of an invoice. If any part of the charges or expenses is disputed, the District shall promptly pay the Attorney the undisputed amounts and advise the Attorney of any amounts in dispute.

After the close of each calendar month, the Attorney shall deliver to the District a time sheet detailing the number of hours worked, the services provided, and the matters on which the work was performed. Such time sheets will be delivered by email to the

District Senior Finance Analyst Connie Fazio (connief@klwtd.com), with copies to the Commissioners and the General Manager.

Payments to the Attorney will be subject to payroll deductions for federal, state, and local taxes, FICA, and Medicare, where applicable. In accordance with federal and state requirements, the District will report payments made as a result of this agreement on the appropriate form(s) for income tax purposes.

With the exception of the District's 457(b) match, this agreement shall not act to confer any benefits of any type or nature upon the Attorney, including but not limited to any collective bargaining agreement now or hereafter in effect between the District and its employees. The Attorney acknowledges that this is a salaried position that is exempt from overtime compensation requirements, including those contained in the Fair Labor Standards Act. The Attorney further acknowledges that this agreement creates no entitlement to benefits, vacation or sick time, seniority, probationary or provisional employment status, or retention as an employee under any law or regulation.

The Attorney shall not accept any other employment for compensation without the prior written consent of the District's Board of Commissioners.

The Attorney is a public officer and a local government attorney as those terms are used in section 112.313 of the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officers and government attorneys.

This is an "at-will" agreement. Either party may terminate this agreement upon thirty (30) days' written notice to the other party. In case of termination, the Attorney shall cooperate with District in transferring responsibility for legal issues to a successor attorney selected by the District. The Attorney will return all District documents, records and equipment in the Attorney's possession to the District, and the District will compensate the Attorney at the rates shown above for all services rendered prior to the effective date of termination.

The District's contact for invoicing and general communications is:

KLWTD General Manager
98880 Overseas Hwy
PO Box 491
Key Largo, FL
Phone: 305-451-4019
Fax: 305-453-5804

The Attorney's contact information is:

Ray Giglio, Attorney at Law
PO Box 373072
Key Largo, FL 33037-8072
Phone: 305-735-1174
E-mail: raymondgiglio@gmail.com

IN WITNESS WHEREOF, the parties have signed this agreement on the dates below their names.

KEY LARGO WASTEWATER TREATMENT DISTRICT	RAY GIGLIO
By _____	_____
David Asdourian Chairman	Ray Giglio, Attorney FL Bar Number 0157340
Date _____	_____

Employment Contract and Agreement for Legal Services By and Between Ray Giglio and Key Largo Wastewater Treatment District 01/01/2016 to 12/31/2016

This agreement is entered into, by, and between **Ray Giglio** ("the Attorney") and the **Key Largo Wastewater Treatment District** ("the District"). This agreement is effective as of January 1, 2016, and runs for a period of 12 months, until December 31, 2016.

The District agrees to pay the Attorney, and the Attorney agrees to accept, a monthly salary of NINE THOUSAND ($9,000.00) DOLLARS.

In consideration for the monthly salary shown above, the Attorney agrees to personally provide the following professional services:

The Attorney agrees promptly and diligently to provide legal services in connection with the District's business, as requested by the District's Board of Commissioners, by individual Commissioners, and/or by other representatives of District, who have been duly authorized by the Board of Commissioners to request legal services on behalf of District.

The Attorney further agrees to attend all District Board meetings, currently scheduled for the first three Tuesday evenings of each month, for the purpose of providing legal services, which shall include reviewing the meeting notice and agenda and reviewing the meeting minutes. The Attorney also agrees to attend client conferences as needed.

In addition to the monthly salary shown above, the District agrees to reimburse the Attorney for travel costs, including mileage, meals, and lodging, at rates approved by the District and consistent with the policies of the District and the rates allowed for travel by District employees, as set out in the District Travel Expense Policy. Quarterly, the Attorney shall deliver to the District a detailed statement showing reimbursable charges or expenses incurred during the preceding 3 months. Payment of such charges or expenses shall be due within 60 days after receipt of an invoice. If any part of the charges or expenses is disputed, the District shall promptly pay the Attorney the undisputed amounts and advise the Attorney of any amounts in dispute.

After the close of each calendar month, the Attorney shall deliver to the District a time sheet detailing the number of hours worked, the services provided, and the matters on which the work was performed. Such time sheets will be delivered by email to the

District Senior Finance Analyst Connie Fazio (connief@klwtd.com), with copies to the Commissioners and the General Manager.

Payments to the Attorney will be subject to payroll deductions for federal, state, and local taxes, FICA, and Medicare, where applicable. In accordance with federal and state requirements, the District will report payments made as a result of this agreement on the appropriate form(s) for income tax purposes.

With the exception of the District's 457(b) match, this agreement shall not act to confer any benefits of any type or nature upon the Attorney, including but not limited to any collective bargaining agreement now or hereafter in effect between the District and its employees. The Attorney acknowledges that this is a salaried position that is exempt from overtime compensation requirements, including those contained in the Fair Labor Standards Act. The Attorney further acknowledges that this agreement creates no entitlement to benefits, vacation or sick time, seniority, probationary or provisional employment status, or retention as an employee under any law or regulation.

The Attorney shall not accept any other employment for compensation without the prior written consent of the District's Board of Commissioners.

The Attorney is a public officer and a local government attorney as those terms are used in section 112.313 of the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officers and government attorneys.

This is an "at-will" agreement. Either party may terminate this agreement upon thirty (30) days' written notice to the other party. In case of termination, the Attorney shall cooperate with District in transferring responsibility for legal issues to a successor attorney selected by the District. The Attorney will return all District documents, records and equipment in the Attorney's possession to the District, and the District will compensate the Attorney at the rates shown above for all services rendered prior to the effective date of termination.

The District's contact for invoicing and general communications is:

Paul Christian
KLWTD General Manager
98880 Overseas Hwy
PO Box 491
Key Largo, FL
Phone: 305-451-4019
Fax: 305-453-5804
Email: paul.christian@klwtd.com

The Attorney's contact information is:

Ray Giglio, Attorney at Law

PO Box 373072
Key Largo, FL 33037-8072
Phone: 305-735-1174
E-mail: raymondgiglio@gmail.com

IN WITNESS WHEREOF, the parties have signed this agreement on the dates below their names.

KEY LARGO WASTEWATER TREATMENT DISTRICT	RAY GIGLIO
By _____	_____
David Asdourian Chairman	Ray Giglio, Attorney FL Bar Number 0157340
Date _____	_____

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: M-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action: Approval

Department: Legal

Sponsor: Ray Giglio

Subject:

Amendment to Grievance Policy Approved 10-18-2016

Summary of Discussion:

At the 01-17-2016 meeting, the Board directed the General Counsel to draft and to bring back: (1) changes to the District's Grievance Policy that would permit members of Senior Staff, except the General Manager and the General Counsel, to file a Grievance against the General Manager or Commissioners; and (2) a resolution adopting those changes.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Current Grievance Policy with Changes
Administration:	_____	Expense	2. Resolution DRAFT No. 06-01-17
Finance:	_____	Funding Source:	
District Counsel:	[signature]	Assessment Revenue	
District Clerk:	_____	Budgeted:	
Engineering:	_____	No	

Approved By: _____ **Date:** 2-16-17
General Manager

Key Largo Wastewater Treatment District
98880 Overseas Highway – PO Box 491
Key Largo, FL 33037
305-451-4019

Employee Grievance Policy and Procedures

Effective Date: (01/14/14)
Revision Date: (01/14/14)

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 an 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
9. The signature of the Grievant.

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 file a Grievance under the provisions of this policy.~~

1. **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.

RESOLUTION DRAFT NO. 04-01-17

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 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 under the provisions of the Grievance Policy.

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. ***Under no circumstances can the General Manager or the District Counsel file a Grievance 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 24th 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:

	AYE	NAY
Chairman Asdourian		
Commissioner Gibbs		
Commissioner Heim		
Commissioner Majeska		
Commissioner Tobin		

The Chairman thereupon declared Resolution No. 04-07-16 duly passed and adopted the 21st day of February, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

Chairman David Asdourian

ATTEST:
sufficiency

Approved to as to form and legal

Katherine Jackson, District Clerk

Ray Giglio, General Counsel

SEAL

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: February 21, 2017

Agenda Item Number: M-3

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action: Approval

Department: Legal

Sponsor: Ray Giglio

Subject:

Resolution Rescinding Resolution No. 26-11-16

Summary of Discussion:

At the 02-07-2017 meeting, the Board directed staff to draft and to bring back a resolution rescinding the request of assistance of State Representative Holly Raschein in amending the Key Largo Wastewater Treatment District Act to change the District's formal boundaries.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Resolution DRAFT No. 08-02-17
Administration:	_____	Expense	
Finance:	_____	Funding Source:	
District Counsel:	[signature]	Assessment Revenue	
District Clerk:	_____	Budgeted:	
Engineering:	_____	No	

Approved By: _____ **Date:** 2-16-17
General Manager

RESOLUTION NO. XX -XX-17

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, RESCINDING RESOLUTION NO. 26-11-16, REQUESTING THE ASSISTANCE OF STATE REP. HOLLY RASCHEIN IN AMENDING THE PROVISIONS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO CHANGE THE DISTRICT'S FORMAL BOUNDARIES; THANKING REP. RASCHEIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 1st day of November 2016, the Board of Commissioners ("Board") of the Key Largo Wastewater Treatment District ("District") adopted Resolution No. 26-11-16; and

WHEREAS, Resolution No. 26-11-16 requested the assistance of State Representative Holy Raschein in amending the Key Largo Wastewater Treatment District Act to revise the District's formal boundaries to bring them into conformity with the District's actual service area; and

WHEREAS, the Board has determined that it would be in the best interest of the District and the residents of both the included and excluded service areas to delay any such revision of the District's formal boundaries; and

WHEREAS, the Board wishes to express its sincere appreciation to State Representative Holly Raschein and her staff for their assistance and their hard work in connection with this matter and with the underlying issue of how to best provide wastewater service to residents in remote and isolated locations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT RESOLUTION NO. 26-11-16 BE, AND HEREBY IS, RESCINDED; AND THAT REP. RASCHEIN IS RESPECTFULLY REQUESTED TO TAKE NO FURTHER ACTION AT THIS TIME.

RESOLVED AND ADOPTED THIS _____ DAY OF FEBRUARY 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:

	AYE	NAY
Commissioner Robert Majeska	_____	_____
Commissioner Andrew Tobin	_____	_____
Commissioner Norman Higgins	_____	_____
Commissioner David Asdourian	_____	_____
Commissioner Steven Gibbs	_____	_____

The Chairman thereupon declared Resolution No._____ duly passed and adopted the _____ day of February, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY:_____
David Asdourian, Chairman

ATTEST:

_____
Katherine Jackson, District Clerk

Approved as to form and legal sufficiency

_____
Ray Giglio, General Counsel

SEAL