Key Largo Wastewater Treatment District
Board of Commissioner's Meeting Minutes
4:00 PM Wednesday, September 3, 2003
Key Largo Civic Club, 209 Ocean Bay Drive

BOARD MEMBERS PRESENT

Chairman Andrew Tobin
Commissioner Gary Bauman
Commissioner Cris Beaty
Commissioner Charles Brooks
Commissioner Jerry Wilkinson

STAFF MEMBERS PRESENT

Robert E. Sheets, General Manager
Ed Castle, Project Manager, Weller Engineering Corporation
Faith Doyle, Board Clerk

A. Call to Order

Chairman Tobin called the meeting to order at 4:00 p.m.

B. Pledge of Allegiance

All stood and the pledge was recited.

C. Public Comment

Chairman Tobin suggested voting at 7:00 p.m. to see if the meeting should continue after that point in time. Commissioner Wilkinson does not want items staying on the agenda for several meetings and suggested that perhaps a double meeting should be held in the near future.

Chairman Tobin asked if any one present wished to address the Board. William "C.W." Michaelson comments that the KLWTD website has been hosted for the past year free of charge. Unfortunately he has not received much input on the content and the only schedule dates had been received from Commissioner Wilkinson. Mr. Michaelson was informed that future KLWTD web development and hosting might be done by another company that is not located in Florida. Mr. Michaelson would like to see the work stay in the keys. He believes local business is not being treated well and he is unhappy with the way local businesses are treated. Chairman Tobin thanked Mr. Michaelson for hosting the website as a community benefit and stated that the Board is appreciative.

Chairman Tobin stated that committee work is continuing on the maintenance of the website and research will continue into using local vendors.

Commissioner Bauman asked about the lack of communications and the lack of development, design, maintenance and upon the site on a regular basis. Commissioner Bauman invited an open discussion of the issues at a private meeting with Mr.
Michaelson. Commissioner Bauman stated that he believes in supporting local businesses. Mr. Michaelson stated that he agreed that the communication has not been the best and requested that Commissioner Bauman contact him again. Commissioner Wilkinson believes the set up was good but the information needs to come from the general manager or the clerk. Commissioner Bauman and Commissioner Wilkinson noted that KLWTD needs a web keeper that is receptive to local issues and neither believes that Cooke communications would provide a viable alternative.

D. Minutes – Draft July 30, 2003

The Board requested that for future agendas the minutes be presented after the additions, deletions or corrections to the agenda.

Commissioner Brooks motioned to approve the meeting minutes from July 30, 2003. Commissioner Wilkinson seconded and all were in favor.

E. Additions, Deletions or Corrections to the Agenda

It was requested that Item J5 be moved to the first item discussed because other discussion items relate to strategic planning.

Commissioner Wilkinson stated that further discussion on the local legal counsel issue would be covered under G-1. The Board concurred.

F. Action Items

1. Approval of the revised Monroe County Loan Agreement with KLWTD

Mr. Sheets stated that at the May meeting the Board finalized their revisions to the agreement, executed it and sent it to the County. However, the County was concerned with the unilateral changes. Mr. Sheets and Commissioner Brooks discussed the agreement with the County over the phone and of most concern to the County was the provision to not re-pay the loan under certain circumstances. The County has offered a change to Section 3.a. adding that if the KLWTD has not collected sufficient funds the KLWTD has the right to request the County to renegotiate the terms of the agreement. This change would satisfy the County and protects the KLWTD while giving them the open door to discuss options with the County if funds are not available. Mr. Sheets cautioned that the KLWTD Board funding from FEMA couldn’t be disbursed until this agreement is finalized. Under this agreement once it is signed then the funds would be forward to KLWTD for disbursement on qualified expenditures.

Commissioner Wilkinson disagrees with the matching grant being a loan and stated that the $2,700 capital recovery fees should not be used for repayment of the loan. Commissioner Wilkinson believes the capital recovery fees are to be used for future growth.

Commissioner Beaty comments that listed under Item number one of the agreement the County shall transfer $731 thousand and FKAA $182 thousand. He question if an accounting for the $182 thousand was available. Mr. Sheets stated that he would verify if one was available.
Commissioner Brooks noted that the entire Interlocal Agreement is considered an exhibit to the document. Commissioner Brooks also wants to see an accounting of the funds already expended. Commissioner Brooks is concerned with approving the document because it is not stated specifically that FKAA is part of this agreement. Mr. Sheets stated that they are included in the Interlocal Agreement, which is an attachment of the agreement and defines the FKAA's responsibilities.

Chairman Tobin suggested changes. Discussion ensued. Commissioner Brooks asked Mr. Sheets if the FKAA meeting scheduled by Mr. Sheets had been held. Mr. Sheets stated that a specific date has not been set. Commissioner Bauman asked if the $182 thousand was to be audited. Mr. Sheets stated that Danny Kohlage would most likely be auditing the fund for the County and that the DEP and KLWTD external auditors would also.

Commissioner Brooks motioned to approve the agreement and to send it with a cover letter from the general manager addressing the need for an accounting of the $182,000 from the FKAA. Discussion ensued on if the County should sign the document before the KLWTD does. Mr. Sheets stated that the Board has approved the agreement in form and substance and with the impending liability of invoices that require payment by the KLWTD for preliminary design the document needs to be finalized so that it be placed on the County agenda for action resulting in KLWTD receiving the funds. The Chairman requested a roll call vote.

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G. General Manager's Report

1. Recommendation of a request for qualifications and a procedure for the interviewing and selection of general legal counsel

Mr. Sheets suggested that the process for the recruiting of a local attorney be informal. The proposed notice for advertisement was presented. Mr. Sheets stated that once responses are received the respondents should be invited for an interview during the 2nd public meeting in October. Legal counsel selection is not bound by the CCNA process and legal counsel should be appointed as soon as possible.

Chairman Tobin comments that after discussions with Terry Lewis he has been actively recruiting several firms. The Board suggested that John Jabro, Dirk Smitt, Jim Lupino, Harvey Ziegler and Nicholas Mulick be contacted. Chairman Tobin suggested sending a general faxed invitation via the bar association to inform the local members of the bar that the position is available.

The manager was requested to prepare a letter to be sent on the 5th for responses by the 12th. An update would be provided to the Board at the September 17th meeting.

Discussion ensued on advertising for general counsel or special counsel and the issues it could create with job assignments. Discussion ensued on the process of selection and the timing of the interviews.

Approved 11-19-03
The general manager was directed to call the position "Board Counsel" and to rework the letter, forward it to the upper keys bar association and to the five attorneys named by the Board. It was suggested that the interviews be held on September 17, 2003 and that the meeting begin at 3:00 p.m. and one candidate per hour be interviewed with regular business being conducted between interviews. All members agreed that any resumes received by Wednesday be forwarded to the Board. Mr. Sheets is to inform the candidates that they should be prepared to discuss fee structure.

2. Recommendation after review of the LEWIS, LONGMAN & WALKER invoices.

Mr. Sheets stated that any contact in the future with the attorney would be directed by him. Mr. Sheets provided a sample copy of an agenda item control sheet and a working group agenda. Mr. Sheets stated that the working group agenda was the control document used to place things on the agenda and to keep track of directives from the Board to staff.

Discussion ensued on the development of agenda control procedures. Chairman Tobin stated that each member of the Board should be able to contact the Board's attorney for advice, but he believes it is not appropriate to have all documents reviewed by legal if they have been tasked to staff.

Commissioner Bauman stated that because there is not presently a policy in place and that legal had been directed to review the documents they should be paid for it. Commissioner Wilkinson believes hiring an attorney who charges a flat fee retainer would result in not being invoiced for review of minutes and other standard documents. Commissioner Wilkinson asked if the policy including agenda control procedures would be ready for the 17th meeting. Mr. Sheets stated the policies would not be ready for the 17th and that flat fees can be misleading. Discussion ensued on legal fee structures.

Commissioner Bauman motion to approve the Lewis, Longman and Walker bill in the amount of $7,263.34. Commissioner Wilkinson seconded the motion. All were in favor and the motion carried.


Mr. Sheets stated that it would be beneficial to schedule the first strategic planning session in September and drafting of the policy and procedures should be part of the strategic planning session.

Mr. Sheets asked the Board if it wants to consider having a listing in the yellow pages for the KLWTD. It was noted that the local KLWTD phone number was listed in the white pages. It was the consensus of the Board to not advertise in the yellow pages at this time.

H. Legal Counsel's Report

No legal report was presented.

I. Engineer's Report

Approved 11-19-3
Mr. Castle stated that Mr. Wellen provided a detailed report at the last meeting. Mr. Castle informed the Board that there will be a project team meeting in Miami on September 8 at 1:00 p.m. at the Brown and Caldwell office and that a proposed work plan for completing the balance of the KLP would be discussed and the first draft of a preliminary design report should be presented to staff. The decision to use either USBF or SBR and Altvac or Roevac should begin at the 17th Board meeting. Mr. Sheets stated that the most current Schedule B would be forwarded to the Board.

Discussion ensued on the content of the September 17, 2003 agenda and the possibility of needing an additional meeting in September. Discussion ensued on the placement of the lawyer interviews and the engineering meetings. Mr. Sheets suggested the engineering meetings be held on the 17th and the lawyers at the first meeting in October.

Commissioner Brooks asked if the USBF/SBR and Altvac/Roevac evaluation process would involve presentations on the technologies or would the Board be following the recommendations of the staff, engineers and contractors. Discussion ensued.
Chairman Tobin requested an analysis from the principals on what they are basing their decisions on.

Mr. Castle stated that Haskel would provide Brown and Caldwell's recommendations and that WEC would offer an opinion on the recommendation of the vacuum system and would review their opinions based on historical data.

Commissioner Wilkinson stated that as the technical committee chair he would like to present information to the project team concerning the position of the Board.
Commissioner Bauman stated that if it is to be presented as the Board's view the Board must agree to it. Commissioner Wilkinson's stated that he would preface his presentation and state that it his opinion only.

Mr. Castle stated that he and Mr. Sweat are working on getting all documentation from Boyle Engineering for conceptual design work that was done on the KLP and KLTV projects.

Commissioner Brooks stated that during contract negotiations USBF was the preference of the Board and it would remain that way unless it can be demonstrated that an alternative was better suited to the KLWTD's needs. Haskell with Brown and Caldwell will review USBF and SBR along with alternatives and WEC will verify their recommendation. WEC understands the Board's wishes. Mr. Castle will be giving operating budgets for the two systems without prejudice.

Commissioner Brooks asked Mr. Sheets about the status of the FEMA Site Assessment. Mr. Sheets stated that he would be meeting with Miles Anderson of the DCA concerning the issue and he has a tentative meeting of September 16th. Mr. Anderson also wants to meet with the general manager and Chairman Tobin to discuss several issues just as the low to moderate income funding plan and the Environment Assessment public hearing and the combining of the two projects into one.

Chairman Tobin requested the general manager draft a letter to FEMA to inform them of the KLWTD need for a final FEMA schedule on the site assessment.
Discussion ensued on the need for Higgins to begin work as soon as possible on the KLP project.

Chairman Tobin recessed the meeting at 6:00 p.m.

Chairman Tobin reconvened the meeting at 6:10 pm

J. Commissioner's Items

It was requested that item J-7 be discussed first. The policy/procedure for moving discussion items to action items was brought to the floor. Chairman Tobin requested that this procedure be adopted as an interim policy. Chairman Tobin requested that the item be reviewed and a recommendation made by staff for action at the next meeting.

Discussion ensued about the procedure conflicting with Roberts Rules of Order. Discussion ensued on the agenda item request with staff doing research prior to an item being added to an agenda. Commissioner Brooks believes this item should be held for legal counsel review and for further discussion in the strategic planning session.

Commissioner Bauman motioned for staff to draft a formalized process to advance discussion items to action items. Commissioner Wilkinson made a second to the motion. All were in favor and the item was unanimously approved.

1. Discussion of Commissioner Wilkinson's email of Monday, August 18, 2003

Mr. Sheets stated that a working group agenda that would include pending projects and directives of the Board has been developed. Commissioner Wilkinson suggests the general manager provide a work in progress report during his report.

Commissioner Wilkinson motioned to have a work in progress report added to the agenda. Chairman Tobin seconded the motion. The motion carried.

Mr. Sheets stated that an agenda control process should be part of an overall discussion of how to conduct business. The clerk was requested to forward examples of agenda control documents to the Board.

Chairman Tobin motioned for a formal agenda procedure to be drafted. Commissioner Wilkinson seconded the motion. All were in favor.

Commissioner Wilkinson wants an 800 number established to access the general manager.

Chairman Tobin requested that all of Commissioner Wilkinson concerns be addressed by the general manager for formal action on the 17th of September or the 1st of October.

2. Discussion of web site services – Commissioner Bauman

The item was removed from the agenda until Commissioner Bauman speaks with Mr. Michaelson.
3. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin

This item was removed and will be discussed at the strategic planning workshop.

4. Discussion of the intent of the interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin

The item was tabled until the next meeting.

5. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman

Commissioner Bauman stated that it is imperative that this issue be addressed because it’s importance in demonstrating the KLWTD’s readiness to qualify for future funding.

Mr. Sheets suggested that a facilitator be brought in to help develop a strategic plan along with the many other policy and procedural issues facing the Board. The clerk was directed to forward a sample strategic plan to the Board.

Mr. Sheets stated that a scope of service should be drafted for the update of the master plan and the work would be done by an engineer selected from the CCNA process.

Commissioner Bauman requested that the general manager begin drafting the scope of service for the master plan review and the development of the KLWTD strategic plan. Discussion ensued on the timing of the strategic planning session and master plan scope of work. Mr. Sheets stated that there are funds set in the contingency line item of the budget to be approved on 9/17 and that the Board needs a plan ready to avail them selves of future funding. A strategic planning session to develop a business plan to demonstrate to funding agencies that the KLWTD knows what to do if funded.

Commissioner Bauman made a motion to have the general manager develop an outline of the steps needed to accomplish the strategic plan and master plan review to be presented at a subsequent meeting. Commissioner Wilkinson seconded the motion. All were in favor.

6. Discussion on KLWTD physical public records location – Commissioner Brooks

The item was tabled until the next meeting.

7. Discussion of policy/procedure for moving discussion items forward – Chairman Tobin

Please see above.

Chairman Tobin stated that he had been informed that the 29% share of the $100 million dollars might be in jeopardy. Commissioner Brooks continues to remind all those involved of the history of how the original award came about. Commissioner Brooks stated that the Intergovernmental Task Force was formed with local communities for the purpose of coordinating the distribution of federal money. Commissioner Brooks gave
the history of the how the share of 29% was cut from being for Key Largo to being marked for all of unincorporated Monroe County. Commissioner Brooks was told that the issue has been addressed to get the money back to Key Largo and that Representative Sorenson was involved and aware of all the developments. Commissioner Brooks stated that he has documentation (the minutes from the last Intergovernmental Task Force meeting) verifying that Key Largo would receive the 29% but to be successful it will take continued pressure. Commissioner Brooks stated that the SFWMD is the entity that would distribute the funds and that Cecilia Weaver is the Key’s representative from SFWMD and will also monitor the situation.

Commissioner Brooks suggested that follow up on this issue be moved to the managers work in progress report. Commissioner Brooks stated that he would continue to update the Board on this issue and that Cecilia Weaver of SFWMD has been provided documents that prove Key Largo is to receive 29% of the allocation.

Chairman Tobin requested that Ms. Weaver be invited to attend a future KLWTD Board meeting.

L. Meeting Adjournment

Commissioner Brooks made a motion to adjourn. Commissioner Bauman seconded the motion. Chairman Tobin adjourned the meeting at 7:50 P.M.
BOARD MEMBERS PRESENT

Chairman Andrew Tobin
Commissioner Gary Bauman
Commissioner Cris Beaty
Commissioner Charles Brooks
Commissioner Jerry Wilkinson

STAFF MEMBERS PRESENT

Robert Sheets, General Manager
Charles L. Sweat, Director of Operations
David Miles, Chief Financial Officer
Jeff Weiler, Engineer
Ed Castle, Project Manager
Faith Doyle, Board Clerk

GUESTS PRESENT

Ms. Science Kilner, FEMA
Mr. Lawrence Frank, FEMA
Mr. Tom Evans, Tom Evans Environmental, Inc.
Mr. James Dotesh, Roediger
Mr. Charles Fishburn
Mr. Walter E. Messer, D.N. Higgins
Mr. Stu Oppenheim, Brown and Caldwell
Mr. Peter Kinsley, The Haskell Company
Mr. Joe Paterniti, Brown and Caldwell
Mr. Mike Longenecker, Key Largo resident
Mr. Robert E. Burt, KLT
Mr. John Hammerstrom
Mr. Burke Cannon, IKLFHA

A. Call to Order – KLWTD Regular Meeting

Chairman Tobin called the meeting to order at 4:03 P.M.

B. Pledge of Allegiance

All stood and recited the pledge.

C. Open Public Hearing on Resolution 2003-19 KLWTD FY2004 Budget
Chairman Tobin opened the public hearing at 4:05 P.M. and asked if there were any comments from the public on the KLWTD FY2004 Budget Resolution 2003-19. There being none he closed the public hearing and asked the Board for discussion on the Resolution.

D. Close Public Hearing

Chairman Tobin closed the public hearing at 4:07 P.M.

Commissioner Charles Brooks made a motion to approve Resolution 2003-19 KLWTD FY2004 Budget. Commissioner Wilkinson seconded the motion. All were in favor and the motion was unanimously approved.

E. Public Comment

Please see below.

F. Additions, Deletions or Corrections to the Agenda

Mr. Robert Sheets requested that representatives of FEMA present information on the Environmental Site Assessment (ESA). Ms. Science Kilner and Mr. Lawrence Frank were introduced. Ms. Kilner stated that the draft ESA was forwarded to Mr. Sheets for comments from the KLWTD. The public hearing will be scheduled for early November with a 30-day comment period prior to the hearing. After the public hearing and comment period a final ESA will be prepared and forwarded for the grant to be initiated and it would be administered by Miles Anderson of the D.C.A. Two major items are needed from the KLWTD for the ESA the draft report must contain the plan for assisting low and very low-income residents and a site mitigation plan along with several minor items. This information needs to be supplied by the KLWTD Board. Discussion ensued on the specifics of site mitigation and the plan for assisting low-income residents. Ms. Kilner suggested that the Fish and Wildlife Commission be contacted for assistance concerning the site mitigation plan.

Commissioner Wilkinson stated concern over the delay in the ESA process. Ms. Kilner stated that the ESA process was complicated and involved many different governmental entities. Commissioner Wilkinson asked where the alternate site is located. Ms. Kilner stated that it is at mile marker 98 and was suggested by the FKAA.

Chairman Tobin requested the General Manager to draft a summary of what actions are necessary to provide the information for the draft ESA to FEMA. Chairman Tobin suggested that if additional information after that point is needed then a public meeting could be held to advise the entire Board. It was noted that the contractors were present at the informational meeting and are aware of what is required of them. Mr. Sheets stated that the Board needs not be overly concerned about the alternative site; it needs to be available if there are catastrophic problems with the proposed site. The draft ESA was forwarded to WEC and Brown and Caldwell for their comments. Mr. Sheets will be formalizing the process for implementing a low-income assistance program that meets the requirements of the County program. He noted that the County had provided in the Interlocal Agreement to assist with the $2,700 fee, however the KLWTD needs to address a program for running lines. Mr. Sheets will contact Mark Bell of Monroe County in the effort to prepare an implementation plan. Mr. Sheets stated that other
issues do need to be addressed but after the comments are received the draft will be
used for the public hearing and he suggested that a special meeting of the KLWTD be
held to coincide with FEMA's public hearing. Mr. Sheets stated that at present the
executed grant agreement should be in hand in January of 2004. Mr. Sheets noted that
a revised project schedule would be provided to Miles Anderson of the DCA to inform
him that the present delays were due to circumstances beyond the Board's control.

Further discussion ensued concerning the site mitigation plans and who is responsible
for the costs. Further discussion ensued concerning the implementation of a low-
income program.

Commissioner Brook asked what mechanism is used by FEMA to inform the Board that
the necessary information has been provided. Ms. Kilner stated that the holding of the
public hearing is an indication that all information was provided.

Ms. Kilner stated that if all information is received by October 15, the public hearing
could be held on November 5, 2003 in Key Largo. Mr. Lawrence Frank stated that a
draft of the forth-coming grant contract would be provided to the Board for review as
soon as possible to assist in expediting the process.

Discussion ensued on the possibility of third party challenges that could delay the
project.

Chairman Tobin requested that public comment be moved to after the engineers report.

G. Action Items

1. Approval of Resolution 2003-19 KLWTD FY2004 Budget

Please see above.

2. Approval of the Pending Payments List dated September 10, 2003

Commissioner Brooks motioned to approve the Pending Payments List
contingent on being provided copies of the invoices after the fact. The motion
died due to the lack of a second and the Chairman requesting the item be moved
to later in the meeting.

H. General Manager's Report

1. Update on the request for information from potential Board Attorney
Candidates

The Clerk informed the Board that the five lawyers requested by the Board to be
contacted and the letter to be forwarded to the President of the Lower Keys Bar
Association had be completed. Mr. Harvey Zeigler, Mr. Nicholas Mulik, Mr. John Jabro,
Mr. Dirk Smits and Mr. James Lupino have responded. Mr. Mulik is not interested in
submitting a statement of qualifications. Mr. Zeigler, Mr. Jabro, Mr. Smits and Mr.
Lupino stated they would meet with the Board and forward statements of qualifications.
Mr. Lupino is not available to meet on October 1, 2003. Presently for the October 1,
2003 meeting Mr. Ziegler is scheduled for 3:00 p.m., Mr. Smits for 4:00 p.m. and Mr.
Jabro for 5:00 p.m. The Clerk will be forwarding the final schedule and the information provided to all Board members.

Commissioner Wilkinson stated concern over not having legal counsel present at the KLWTD meetings. Chairman Tobin stated that legal counsel is available by phone. Commissioner Brooks suggested that all the meetings with potential legal counsel be held on one day. Mr. Sheets requested that the Clerk reschedule the meetings for the 15th of October beginning at 4:00 p.m. Chairman Tobin stated that if not all are available for the 15th the 1st of October should be offered.

Mr. Sheets stated that although legal counsel was not present this evening that legal counsel would be consulted on several agenda items for October 1, 2003 and would need to be present at the meeting.

I. Legal Counsel's Report

No report was presented.

J. Engineer's Report

1. Presentation by the Project Team on the results of the Kick-off meeting and discussion of the implementation of the Draft Concept Review Submittal

Mr. Sheets stated that the team has provided the Draft Concept Review Submittal (DCRS) to staff and it would be forwarded to the Board members as soon as possible.

Mr. Sheets stated that the team would make a recommendation on Airvac/Roevac but requires additional information before providing a recommendation USBF/SBR but would have one prepared for the October 1, 2003 meeting. Information would be provided during the presentation giving alternatives on the completion of KLP as requested by the Board. Mr. Sheets stated that several different alternatives are being offered by Haskell and staff would like direction from the Board on what alternative should be pursued. Mr. Sheets stated that Tim Banks of DCA is considering combining the two projects into one unified project. Mr. Banks has requested documentation on the projects prior to his decision. Mr. Sheets would have more information for the Board at the October 1, 2003 meeting.

Chairman Tobin introduced Mr. Peter Kinsley of the Haskell Company. Mr. Kinsley introduced Mr. Stu Oppenheim, Vice-President of Operations for Brown and Caldwell, and will oversee the entire design of the project from the Miami office. Mr. Ted Hortenstein was introduced as the principal of the secondary treatment design, the plant and works from the Orlando office. Mr. Joe Paterniti was introduced as the principal to oversee the vacuum collection system for Brown and Caldwell and works from the Miami office. Mr. Walter Messer, Vice President of Operations for D.N. Higgins was introduced.

The Haskell Company and Brown and Caldwell made a presentation on the DCRS, which included information on Airvac/Roevac.
Mr. Kinsley presented the information on combining the KLP and KLTV project and including the Sunset Waterways subdivision. Mr. Kinsley stated that the Board had requested alternatives on having all vacant lots provided service and two additional scenarios were provided to accomplish the task.

Discussion ensued on the alternatives, the cost to the resident to install the system and the probability that all the vacant lots could be developed. Mr. Kinsley stated that more information would be necessary to make an informed decision.

Mr. Kinsley stated that he looks forward to working with the KLWTD in accomplishing all the goals of the Board.

Commissioner Bauman asked Mr. Kinsley his thoughts on the February 1, 2004 date. Mr. Kinsley is concerned with it and the likelihood that ground breaking on the plant would not happen in 2003, however occasionally the DEP allows other phases of a project to begin prior to ground breaking. Mr. Sheets stated that depending upon the combining of the projects the project schedule would be revised and that would adjust all of the funding deadlines into the future.

Chairman Tobin recessed the meeting at 6:25 p.m.
Chairman Tobin reconvened the meeting at 6:40 p.m.

Mr. Sheets requested direction from the Board on the team’s recommendation on the Airvac/Roevac issue if not tonight then on October 1, 2003, also for October 1st the recommendation for USBF/SBR would be provided to the Board. These two decisions would impact when the 30% design submittals would be completed.

Mr. Sheets stated that he requires direction from the Board this evening concerning the proposal from Haskell on combining the projects and if it cannot be given tonight it would need to be discussed at the October 1st meeting.

Chairman Tobin stated that he would require additional time to review the information provided prior to voting on Airvac/Roevac, USBF/SPR or the Haskell proposal to combine the projects and would like it to be on the agenda for the next meeting. Chairman Tobin stated that concerning the Haskell proposal funding must be identified prior to a decision. He requested that memorandums outlining what had been discussed by the project team at their meetings be provided to the Board to better prepare the Board.

Commissioner Bauman stated that there is no other choice than to have one engineer for the entire project and it should move forward as quickly as possible.

Commissioner Beaty would like to review the information provided and consult with Charles Fishburn on his opinions concerning the processes being suggested.

Commissioner Brooks stated concern on not receiving information in sufficient time to review prior to making decisions along with the need for updates from staff on meetings outside of Board meetings. Commissioner Brooks believes that one engineer is the best course but he has questions on the transferring of costs from WEC to Haskell. Mr. Weiler states that for the Engineer of Record services he would reduce his costs by $19,000. Mr. Weiler stated that Haskell’s proposed fees are fair and reasonable.
considering the amount of redesigning work that is required. Commissioner Brooks asked how much more Haskell would be costing the KLWTD as Engineer of Record. Mr. Kinsley stated that the amount enumerated in the proposal is $80,000 however, in his opinion, Mr. Weiler may not have been provided with the details on the redesign work to have properly cost the project. Mr. Sheets interjected that it may not be appropriate to request the engineers to debate cost comparisons that are not apples to apples. Mr. Sheets recommends that a complete comparison be provided so that the Board could see the specific benefits of their decision. Commissioner Brooks stated that he would appreciate more time to review the information although he feels that the proposal is very good and has received an initial recommendation from the KLWTD Engineer.

Mr. Sheets stated that if it is the consensus of the Board, staff would prepare a memorandum outlining the scope of work that would be provided by Haskell under a unified project. Chairman Tobin stated that it was always the wishes of the Board to have one project and from a policy standpoint the Board is united on this point.

Commissioner Wilkinson gave a report on his attendance at the project team meetings. He is ready to fully support the use of Roevac but agrees with the Board that a vote on the issue can be held until the next meeting. Commissioner Wilkinson stated that one engineer is the best alternative, however the funding must be identified prior to a decision being made. Commissioner Wilkinson stated that he has an opinion on the USBF/SBR choice but would like to see documentation prior to voting on the issue.

Chairman Tobin asked if the information provided to Commissioner Wilkinson would be shared with the other members of the Board. Mr. Kinsley stated that he is also awaiting information prior to recommending USBF/SBR and that he would provide information to the Board concerning the issue.

Commissioner Brooks stated that he would like the facts used for the recommendation in the event Haskell recommends something other than what the Board would recommend.

Chairman Tobin believes a more in depth analysis of the treatment plant would be required before making a decision. Mr. Sheets stated that all information would be incorporated into the agenda package for the Board’s review.

Commissioner Wilkinson believes that the major decision will be Airvac/Roevac because most of the cost is involved with it and it will be buried in the ground and difficult to update if necessary. The plant decision is only 20% of the overall cost of the project and will be more accessible if alterations are necessary.

Mr. Sheets stated that to avoid any unnecessary confusion, how the recommendations are presented should be decided by the Board. Commissioner Bauman stated that he does not want to participate in lengthy presentation by vendors and that he will support the recommendations of staff. Commissioner Wilkinson believes that if the Board goes against the recommendation of the Engineer it would result in no warranty for the project.

Chairman Tobin stated that to improve the comfort level of the Board members that the recommendation should be presented along with supporting details.
Mr. Sheets stated that the recommendation would be made in a pros/cons format along with supporting information from Haskell.

Chairman Tobin brought the Pending Payments List back to the floor for consideration.

Commissioner Brooks motioned to approve the Pending Payments List except for the Lewis Longman and Walker invoice because there was insufficient time to review it. Commissioner Wilkinson seconded the motion. All were in favor and the item was unanimously approved.

Chairman Tobin asked the Clerk to provide electronic copies of the Lewis Longman and Walter invoices to the Board members on an ongoing basis. Mr. David Miles stated that he would scan them and forward them to the Board.

K. Commissioner’s Items

1. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin

Chairman Tobin requested that the item be removed from the agenda. It was the consensus of the Board to support the continued participation with the Intergovernmental Task Force and the securing of the original share of funding apportioned to the KLWTD. Commissioner Brooks distributed historical information from the Intergovernmental Taskforce to the other Board members along with a newspaper article concerning the issue of future funds that are becoming available. Chairman Tobin stated that if a resolution is necessary in the future it would be in the best interest of the KLWTD to affirm it formally and requested Commissioner Brooks to advise the Board in the future if it is required.

2. Discussion on KLWTD physical public records location – Commissioner Brooks

Commissioner Brooks would like as soon as possible to have public records available to the public in a common area. The library was suggested for retaining the documents for public review. The copies being retained by Commissioner Beaty as the official secretary of the Board would continue. The Clerk has verified with the library that they would maintain the records if provided to them. Commissioner Brooks would like to see the agendas, minutes and contracts provided, however the agenda being provided prior to meetings could be a difficulty. Discussion ensued on the specifics of duplicating the records and providing them to the library. It was suggested that the agenda be provided electronically prior to the meeting without back up information being provided at a later time. It was the consensus of the Board that contracts need not be included and the library should not be a complete replication of the KLWTD records.

Commissioner Brooks made a motion to approve the Clerk to initiate a minute book, agenda book and resolutions book at the library as soon as possible. Commissioner Wilkinson seconded the motion. All were in favor and the motion carried. Staff was directed to bring back a formal resolution for action at the next meeting.
3. Discussion on advertising each regular meeting in the Free Press or Reporter as a display ad – Commissioner Wilkinson

Commissioner Wilkinson stated that he had requested information concerning the advertising requirements for the KLWTD from the attorney generals office. Chairman Tobin stated that he had a telephone conversation with a member of the attorney generals staff that a request for an opinion would need to be done formally by letter. Chairman Tobin believes that with the present statutes on the special districts advertising requirements that it may not be necessary. Commissioner Wilkinson states that his main concern is that advertisements are not reaching the Key Largo citizens by advertising in the Key West Citizen and he would like to see the response of the attorney general on the issue. Chairman Tobin stated that there is an ambiguity in the statute but it has been lobbied previously without success. Commissioner Bauman believes that with the negotiated reduced rate with the Free Press it would not be difficult to maintain advertisements in both publications. Commissioner Brooks comments that this issue is minor in relation to the other issues facing the KLWTD and suggests that sewering Key Largo be paramount to the KLWTD Board and advertising the meetings be secondary. Chairman Tobin stated that in the future as time permits the Board pursue having the law amended.

Discussion ensued on drafting a letter to the attorney general requesting an opinion. Commissioner Wilkinson suggested drafting the letter and bringing it back for Board consideration. Chairman Tobin requested that Mr. Sheets review the statute and provide the Board with a recommendation on the issue. Chairman Tobin requested this discussion item be moved to an action item at the General Managers discretion.

4. Discussion of future ground breaking ceremonies – Chairman Tobin

Chairman Tobin requested that the item be removed from the agenda.

L. Meeting Adjournment

Chairman Tobin adjourned the meeting at 7:50 p.m.