



**Key Largo Wastewater Treatment District
Board of Commissioner's Meeting Minutes
4:00 PM Wednesday, October 1, 2003
Key Largo Civic Club, 209 Ocean Bay Drive
Key Largo, Monroe County, Florida**

Board Members Present

Andrew Tobin, Chairman
Gary Bauman, Member
Charles Brooks, Member
Jerry Wilkinson, Member

Staff Present

Robert E. Sheets, General Manager
Terry Lewis, Attorney (via phone)
Ed Castle, P.E., District Engineer (via phone)
Faith Doyle, Board Clerk

Guests Present

Dirk Smits, Key Largo Resident
Mark Bell, Monroe County CDBG Project Coordinator
Nos Espat, Randazza Corporation
Charles Fishburn, Key Largo Resident
Steve Gibbs, Reporter Free Press
Mike Longenecker, Key Largo Resident

A. Call to Order

Chairman Tobin called the meeting to order at 4:06 p.m.

B. Pledge of Allegiance

All stood and the Pledge of Allegiance was recited.

C. Public Comment

Chairman Tobin brought to the floor the recent difficulty alluded to by board members of the manipulation between the chair and the manager.

Chairman Tobin stated that with the many projects facing the KLWTD and the difficulties, and with the lack of time to discuss issues of importance between the board members outside of the public forum it sometimes necessary for the chair to have discussions with the manager.

Commissioner Wilkinson stated that he is unaware of what Chairman Tobin's issue is because it is not on the agenda and added that this is not government in the sunshine.

Commissioner Bauman suggested the Board move forward with regular business because there will be disagreements between individuals.

Commissioner Wilkinson believes this is manipulation and that the discussion between the manager and the chair without the benefit of providing the same information to the balance of the board is a problem.

Mr. Robert Sheets stated that he was aware that Commissioner Wilkinson was having difficulty with the concept of discussion outside of the meeting, but there is no manipulation of the process and therefore the item was placed on the agenda as an additional item for the chairman to bring to the floor for discussion.

Commissioner Wilkinson asked to discuss the meanings of the word manipulation. Chairman Tobin suggested further discussion on the issue should be under an agenda section J – Commissioners Items.

Commissioner Tobin asked if Mr. Sheets was going to discuss the procedure of the local legal counsel selection process under the general managers section. Mr. Sheets stated that he was under the impression that after the Board's discussion he was to state what the process would be.

D. Additions, Deletions or Corrections to the Agenda

Chairman Tobin requested an additional action item to resolve the selection of Airvac or Roevac. Commissioner Brooks wants to hold off action until after all discussion is made.

Chairman Tobin requested that the agenda be amended and the minutes to reflect the item as being on as an action item (F.2.) unless the board decides to defer action.

Mr. Steve Gibbs suggested that the Chair follow the agenda because the Board has the tendency to go out of order which is confusing.

Mr. Michael Longenecker requested to comment on the Roevac/Airvac issue. Chairman Tobin stated that comments could be made during the F.2. section of the agenda.

Commissioner Brooks stated that although Chairman Tobin's email the other day requested that the Board not discuss the advertisement issue for another six months or so Commissioner Brooks wants to be on tape as wanting to discuss the advertisement issue. Chairman Tobin added the item as J. 3 to the agenda to discuss changes to the State law 189 for advertising.

E. Minutes – Draft August 13, 2003; Draft August 27, 2003; Draft Sept. 17, 2003

Chairman Tobin requested that the minutes be deferred to the next agenda.

F. Action Items

1. Approval of Resolution 2003-20 to Provide Copies of KLWTD Documents to the Key Largo Public Library

Commissioner Brooks requested a clause to be added for the agenda that is to be forwarded is for the upcoming meeting or some other clarification. Commissioner Wilkinson stated that he agreed. Commissioner Brooks requested a clause to be added that the agenda would arrive prior to the meeting at the library and add what mechanism for delivery would be used. It was suggested that the clause 3 read "the clerk is to forward to the librarian the entire agenda package with the backup at the same time as the Board members."

Commissioner Brooks asked Mr. Terry Lewis if any action would need to be made by the Board to continue using his services. Mr. Lewis stated that at this time he would serve on a month to month as needed basis.

2. Discussion for Possible action Airvac/Roevac (added item)

Mr. Sheets stated that concerning Airvac/Roevac at the last meeting a presentation was made and at the conclusion the Board came to the consensus to hold on the vote until information was digested and all additional information was in from Haskell. The staff suggested to the Board that the addition information should be reviewed and a recommendation be drafted and presented as a whole.

Commissioner Bauman asked if deferring action delays the preliminary design work. Mr. Sheets stated that not by acting this evening however, it is cutting it close if not acted on by the 10/15 meeting. Mr. Sheets stated that staff was not prepared with a recommendation on Airvac/Roevac at this moment.

Commissioner Brooks made a motion to postpone action on item F2 until all recommendations from staff are available. Chairman Tobin seconded the motion. All were in favor and the motion was unanimously approved.

Mr. Michael Longenecker stated on the Airvac/Roevac issue the engineers make recommendations on things that they think, not always on what they know, he doesn't know he hasn't operated one, he knows people who have operated the systems and there are strong opinions out there. He is concerned with the economic benefit with Roevac up front, but has anyone checked the electrical usage to get the sewage into the pit. Please call and talk to utility operators on the systems including the watts and what the cost is to run the thing. Is there any Roevac operating in the United States? But some one should be able to identify the kilowatt cost to run the systems.

Mr. Sheets has been looking at that electrical cost issue for several days. Mr. Charles Fishburn stated that after thousands of pages of review he believes he saw 1.50 a month cost per edu. Mr. Fishburn doesn't recall a significant difference between the costs of operating either technology. Mr. Sheets stated there would not be a shortage of information and that staff did not rely on the sales people and that staff had visited plants, talked with operators and engineers from various points of view.

G. GENERAL MANAGERS REPORT

1. Status Report on the Discussion with Monroe County on the Low Income Assistance Program

Mr. Sheets stated that at the last meeting Ms. Science Kilner mentioned that one of the items to be completed prior to the finding of no significant impact was the assistance to low-income resident program. Mr. Mark Bell the Monroe County CDBG Project Administrator was present to address the Board. Mr. Sheets requested guidance from the Board because after research he had found that the County has a low-income assistance program that meets FEMA and CDBG requirements. Mr. Sheets requested direction to send a letter to George Garrett requesting Mr. Bell to help with the program for KLWTD. Mr. Sheets stated that the County program is in place and can administrate the program, which would include qualifying residents, doing the paper work and keeping the records.

Mr. Mark Bell, Monroe County CDBG Project Administrator was introduced. Mr. Bell stated that he is part of the special programs department of the Monroe county housing authority. He had just finished work on the Islamorada and Little Venice projects and that he is also working with Stock Island. He is presently visiting affected mobile home parks to explain the process because there is widespread confusion. Mr. Bell has worked on implementation plans and because of the needs of FEMA funding he has become involved with George Garrett and has drafted a generic implementation plan for BOCC approval. Mr. Bell stated that a commitment of funds for the 90/70 rules is needed. A mitigation requirement of FEMA states that 90% of the cost for the very low-income residents up to \$3000 must be covered and the low-income percentage is 70%.

Chairman Tobin asked if KLWTD has the option to use grant money to make up the difference to pay hook up fees. Mr. Bell stated the KLWTD plan needs to be consistent with the county plan.

Chairman Tobin asked Mr. Bell if he could help with identifying who needs help. Mr. Bell stated that at this time yes he could and funding sources would be identified in the future. The BOCC decides where the funding for the difference is to come from and they need to commit it at public meeting and the County must pick up the low to very low. Chairman Tobin asked if there was any obligation to get to the County to let them know there is a funding problem. Mr. Bell stated that George Garrett is aware of the problem and an item is being drafted for presentation to the BOCC on 10/15.

Commissioner Bauman asked about the maximum amount of assistance stated by Mr. Bell of \$3,000 adding that the fee in Key Largo will be \$2,700 for hook-up and unknown septic tank decommissioning fees. Mr. Bell is looking at options that will work for KLWTD. Mr. Sheets stated that FEMA only wants to know that we have a plan; by Phase II FEMA we need to know how it will be funded.

Commissioner Brooks asked how many units does the County expect to qualify and if it is determined by property value. Mr. Bell stated that the program is defined on income not on property value. Commissioner Brooks asked what happens if CDBG doesn't

have enough money to help all the qualified people. Mr. Bell stated that the number of households who qualify share a set amount of funds.

Mr. Sheets stated that the provision of the County helping with a low-income program is not new and that in the interlocal it states that the County must assist with a low-income plan.

Mr. Bell needs to do additional research, information has been requested from the property appraiser, however qualifying residents is in the future, after the plan is developed.

Commissioner Brooks asked if a plan would be ready by November. Mr. Sheets stated that we would have a document that will describe our plan by November. Commissioner Brooks noted that with the document the KLWTD would have met one of the two requirements to have the FEMA Environmental Assessment public hearing.

Commissioner Wilkinson asked if the KLWTD needs an interlocal with Mark Bell for him to do this work. Mr. Sheets stated that if the Board gives approval to write a letter to George Garrett to have FCAA be the drafter and administrator of the low-income program that staff would assist Mr. Bell in any way to complete the surveys and other items required and the need for a formal agreement would be explored.

Mr. Bell stated the income limits for low income was \$36,150 for one person (\$56,500 is medium income) and very low is \$22,600 for one person. Discussion ensued on the medium income amount for the area and the disparity between HUD figures and census data.

Chairman Tobin asked if the direction from the Board is to have the manager pursue Mr. Bell's assistance further and give permission to write a letter and bring it back for approval to request the County act as coordinator and to prepare the implementation plan and coordinate the low-income program.

Commissioner Brooks made a motion to approve and direct the general manager to prepare the letter and mail it to George Garrett of the FCAA. Chairman Tobin requested that copies of the letter be forwarded to the Board Members. Commissioner Wilkinson seconded the motion for discussion. Chairman Tobin stated that it is not good Board Policy to motion on all directives. Commissioner Wilkinson disagrees stating that if it is not in a motion it is one person's opinion. The Chair called for a vote. All were in favor and the motion was unanimously approved.

2. Other Items

Mr. Sheets stated that he would make his other items part of item J. 1.

Commissioner Bauman asked about the mitigation of the plant site that is required by FEMA. Mr. Sheets stated all that is required is to identify where we are doing the replacement of trees. George Garrett is also helping with that issue. The KLWTD needs to commit funding for the program, however the issue of funding will be answered once the amount of the mitigation is known. Mr. Sheets stated that the issue

is being resolved and the KLWTD doesn't need to purchase land, only commit to fund the replacement of the mitigation site. Chairman Tobin stated that he had spoke with Mark Rush who will send copies of the purchase agreements and surveys and what restrictions are involved.

Commissioner Wilkinson made a motion to receive status reports as a general managers item on every agenda prior to the FEMA public hearing concerning the FEMA Environmental Assessment, the Low Income Plan and the Site Mitigation. Discussion ensued. Commissioner Brooks seconded the motion. All were in favor and the motion was unanimously approved.

H. Legal Counsel's Report

There was no legal counsel's report given.

I. Engineer's Report

Mr. Castle stated that the evaluation of Airvac and Roevac would continue this week and he is looking forward to the presentation planned for next week.

Commissioner Bauman asked when the recommendation on the processes would be complete. Mr. Castle anticipates that final reports would be done by the end of the week.

Chairman Tobin recessed the meeting at 5:10 p.m.

Chairman Tobin reconvened the meeting at 5:15 p.m.

J. Commissioner's Items

1. Discussion of the Selection and Recommendation Process Regarding Specific Technologies for the KLP and KLTV Projects -- Chairman Tobin

Chairman Tobin brought the item to the floor and stated that the USBF/SBR issue is now officially on the table as a result of the email to the manager that stated the manager understood that there was going to be a recommendation other than USBF and that the Board requires information immediately and because popular opinion has been to use USBF and when it became apparent that there was an issue concerning the two technologies it was decided that the Board needed information immediately. Chairman Tobin noted that he copied his fellow commissioners with his email to the manager. Chairman Tobin prepared another email a few minutes later requesting that the manager please provide a written recommendation with citations to specific studies and that the vendors were to be copied also. Chairman Tobin stated that he was looking forward to the debate so that it would further educate the Board. However, Chairman Tobin stated that somehow his attempt to get the item out on the table under the sunshine was construed as manipulation. He is unsure what is best and doesn't know enough about the technologies at present. Chairman Tobin stated that he has seen an email copied to Teresa Tinker because something wasn't debated in the public. Chairman Tobin stated that he doesn't have an agenda on this item and doesn't have a

preference on a system because he doesn't have all the information on it and in terms of an open debate next week or if there will be presentations or summaries before the meeting or if engineers will provide recommendations is yet to be determined. Chairman Tobin is open for suggestions and concluded that after the discussion a vote should be taken on getting to the next phase. Chairman Tobin opened the floor for further comments.

Commissioner Wilkinson stated that as he recalls Chairman Tobin was uncomfortable with making the decision and action wasn't taken. Chairman Tobin recalled that it was because Commissioner Brooks was uncomfortable and added that Commissioner Wilkinson had the opportunity to attend the kickoff meeting so he had more information and that Commissioner Wilkinson had heard additional information that would be presented that would surprise the Board because there was not a forgone conclusion. Mr. Sheets stated that he doesn't want to give incomplete data to avoid leading the Board to the wrong conclusion and that information on initial costs and ongoing costs needs to be provided. Also the engineer (WEC) and manager need to bring a recommendation to the board after staff has reviewed the information. The Board needs facts in front of them to make an informed decision because the staff doesn't vote the Board does. The staff gathers and provides information along with their experience for the Boards consideration.

Commissioner Wilkinson stated that in the minutes Chairman Tobin requested the item be on the agenda for the next meeting, but the Board didn't decide, it was the Chairman with no motion made.

Chairman Tobin stated that he welcomes a debate and he was only trying to meet the deadlines with the contract in mind. Mr. Sheets stated that the first kickoff meeting was on 8/19 and that on 9/8 it was the project team meeting on the conceptual plan. Mr. Sheets doesn't want to recommend until all questions are answered and that is why information hasn't been forwarded and he is concerned that the information would not be ready for a 10/8 meeting and the information is too important to give piece mill and in not enough time to review it and that he would rather it be late than wrong. Mr. Sheets requested that he be able to tell the staff how to make the presentation in form and substance and that the issue of the Haskell change proposal should not crowd the agenda the technology issue will take a good 4-5 hours.

Chairman Tobin stated that the draft minutes had Commissioner Wilkinson giving a report that he is ready to recommend Roovac. Commissioner Brooks wants facts and supporting data. Chairman Tobin stated that was the beginning of the debate but his and Jerry's concerns are the same that a public discussion is needed.

Commissioner Brooks stated that he is concerned after talking with Mr. Sheets. It was noted that the contract states Haskell will make the recommendation to the Board but he can't find it in the contract and that during the evaluation process with Haskell they had stated they prefer the SBR system from the beginning which causes concerns. Commissioner Brooks tried to find out from Haskell what the repercussions were if board wants USBF. Commissioner Brooks stated that they had weighted during the evaluation process that one vendor was as good as Haskell and Haskell was made aware that Haskell was told the Board likes USBF and he is concerned with Haskell's position as the licensed PE. Commissioner Brooks stated that at the last meeting the 10-1-03 KLWTD minutes approved 11-19-03

issue to be decided by the Board was the treatment process. Commissioner Brooks brought several articles outlining the Stock Island confusion and he doesn't want it to happen in KLWTD. Commissioner Brooks stated that the Board needs to make a decision and give direction to avoid confusion.

Commissioner Brooks believes he can't hire someone and walk away and let them run things and it worries him that KLWTD could become that way. Commissioner Brooks feels it is his responsibility to look out for the residents. Commissioner Brooks has reviewed documents supporting USBF stating that it will work and be half the cost. Commissioner Brooks has some concerns with the Haskell conceptual design and the information provided by them. Commissioner Brooks wants each member of the Board to hear each side of the story along with presentations by the vendors adding that no SBR person has appeared before the Board. Commissioner Brooks stated that Commissioner Wilkinson has changed his views after being provided with additional information and as an elected official and with the issues involved with these processes he wants to get all the facts at the same time because he sees the problem of time delay and misunderstandings because not all Board members are informed at the same time. Commissioner Brooks stated that the contract outlines when the reports are to be given and the Board's role in the process. Commissioner Brooks would like to see the Chair suggest bringing the people in for the Board to discuss the processes with and to not rubber stamp what the staff tells them. Commissioner Brooks also wants to give the KLTV residents the opportunity to see the information so they are aware of the how and why of the KLWTD Board's decisions. Commissioner Brooks stated that we are looking into 200-300 thousand dollars to operate USBF and from his readings of the reports makes him think there may be trouble meeting the overhead of the "business" once the project is up and running. Looking at it as a business decision his feeling is he wants staff to bring him, and although he may not have time to review the material and bring all sides of the information to present it at a public meeting when the citizens can also be present.

Chairman Tobin suggested that invitees could be heard even if the meeting starts at 8am and goes to 8pm. Chairman Tobin wants to know more about the SBR system and per Commissioner Wilkinson there is some evidence that USBF can't be used. Chairman Tobin stated that before looking at a maintenance cost that might not be affordable on a system he wants more information.

Commissioner Wilkinson stated that it is hard to get facts; extended aeration was suggested to him and is not being considered, it appears to be functioning and meets AWT standards. Commissioner Wilkinson stated that hard facts are few but a PHD said he doesn't believe USBF could theoretically meet the standards. But this is one opinion. Commissioner Wilkinson has reviewed discharge monitor report that he had received on various plants for his own review. Chairman Tobin asked Commissioner Wilkinson if he believes a full discussion is a good idea. Commissioner Wilkinson stated that the ISAM process information received was a new version of an old process and if the presentations don't include sales people but discussions with engineers all on common ground a presentation would be acceptable.

Commissioner Tobin stated that he agrees with Commissioners Brooks and Wilkinson and public debate is needed and that Teresa Tinker would like to be involved. We

agree a full debate is needed with no sales pitch but the vendors should be there because for a debate there input would help to make an informed decision.

Commissioner Bauman stated that after discussions with Representative Sorenson that there are issues and he says taking time to get the details and to be sure of the decision before making it is the proper thing to do.

Commissioner Brooks interjected that from his conversation with Mr. Sheets that the presentation would make clear the pros and cons of both sides and it should not just be a recommendation. Commissioner Bauman interjected that why would the Board not want to take the years of experience of the engineers to make an informed decision. Commissioner Brooks stated for objectivity that Haskell stands to gain \$300,000 plus if they go with SBR he doesn't want Haskell to negate the warranties or the length of them. Chairman Tobin stated that the contract was amended to state that statutory and implied warranties applied. Discussion ensued on contract points. Mr. Terry Lewis stated that there is language in the contract that the decision was at the discretion of the Board and Haskell had language inserted that they would accept the decision of the Board. Discussion ensued on contract points.

Chairman Tobin asked Commissioner Brooks why he doesn't want a recommendation. Commissioner Brooks doesn't want it to look like the Board went against someone's recommendation. Mr. Lewis suggested that a recommendation from your engineer would point out the pros and cons in the recommendation and he believes a one agenda item meeting to make sure all questions are answered prior to voting was in order. Commissioner Wilkinson stated that concerning the recommendation, he questioned why did the Board hire an engineer if you don't want the engineers recommendation and if you want the project warranted you don't want the contractor to use it going against the recommendation as a defense if the Board goes contrary to the engineer's opinion. Chairman Tobin believes a recommendation is needed by the professionals if it just a pros and cons list that would also provide a conclusion based on experience. The Board would weight the staff recommendation if we choose a process not recommended by the engineer and the contract would stand. Chairman Tobin wants all the facts and a recommendation. Discussion ensued concerning the implication of the Board approving a treatment process other than the one recommended by the contractor and what the affects would be on the warranty.

Chairman Tobin asked the manager if a debate could be schedule for the next meeting. Mr. Sheets stated that for the staff to be properly prepared it would be unlikely. Discussion ensued concerning moving the scheduled local legal counsel interviews to the first meeting in November.

Chairman Tobin requested that the manager draft a presentation agenda to include brief presentations by the treatment system vendors. Mr. Sheets stated that briefing documents would be made part of the presentation and recommendation. Chairman Tobin stated that it should include analysis of initial costs, installation cost, with a separate financial presentation in addition to the systems ability to meet standards. Commissioner Wilkinson would like the recommendation to say the system's standard must consistently meet the standards of the DEP. Chairman Tobin would like to have the district engineer give a critique of the FKAA cost analysis that Commissioner Brooks shared with the Board. Mr. Fishburn stated that he would forward a copy of the FKAA

document to WEC. Commissioner Bauman doesn't believe vendor presentations are necessary only the engineers and the chemists of the firms need be present. Commissioner Bauman would like to know if the systems could meet the 5.5.3.1. standards and believes that WEC should present first, then Brown & Caldwell then the vendors, general manager and a conclusion by WEC. Then a financial presentation from the construction engineer, WEC and the general manager concluding with a decision being made.

Chairman Tobin requested that the people listed in his previous email be invited to attend.

Commissioner Bauman made a motion to cancel the advertised special meeting that was to be held on October 8, 2003 and to hold the regularly scheduled meeting on October 15, 2003. Commissioner Wilkinson seconded the motion. The motion was approved unanimously.

2. Discussion of the Haskell Change Proposal Combining the KLP and KLTV Projects – Chairman Tobin

Commissioner Brooks asked if the Haskell Change Proposal would be on the 10/15 agenda. Chairman Tobin asked if a decision needs to be made prior to a discussion on what houses are to be included. Chairman Tobin stated that he had discussed the KLWTD situation with a former water and sewer planner was of the opinion that KLWTD needs to work with the County to integrate the system as part of the growth plan and that she is willing to work with the Board on the project. Chairman Tobin stated that KLWTD wants as many edu's as possible so costs go down and efficiency goes up. Mr. Sheets stated that the design work has to be done to answer these questions and that Haskell plans to bring back a mini design build to see if the idea will work before the costs are formulated. Chairman Tobin asked for a timetable on the Haskell Change Proposal. Mr. Sheets stated that he would like it on the November 5th agenda at the latest. Commissioner Tobin asked that the manager also come back with a funding plan. Chairman Tobin requested that the Haskell Change Proposal be placed as an action item for the October 15, 2003 meeting.

Chairman Tobin questioned the need for a meeting every week. Mr. Sheets stated that with the meaty issues before the Board that a once a week meeting schedule becomes inefficient and it doesn't give staff the time to prepare. Mr. Sheets suggests once a month meetings. Commissioner Bauman stated that the Board should be ready to decide the technology issues as soon as possible.

Chairman Tobin asked if a preliminary report on the Haskell proposal would be included with the agenda packet. Mr. Sheets stated that the agenda packet would include a preliminary report and the Board should call the engineers with any questions.

ADDITIONAL ITEMS

Chairman Tobin brought additional item J.3. to the floor concerning changing a section of statute 189 in regards to the advertisement of special district meetings. Chairman Tobin had sent an email to the FASD per Representative Sorenson after the Representative had received a letter from Commissioner Wilkinson requesting he

pursue an amendment to Statute 189. Representative Sorenson stated that he would consider sponsoring an amendment after talking with the FASD for their opinion and the item will be in limbo until the Board takes further action while the FASD looks it over and thinks about it.

Chairman Tobin brought additional item J.4. to the floor and stated that the upcoming KLWTD Board officers elections are scheduled to be conducted annually. Discussion ensued on the procedure and when the elections should be held. It was suggested that the election be held on November 5th and the officers be seated on November 19th.

Commissioner Brooks made a motion to hold the KLWTD Board officers election on November 5, 2003 and to seat the officers on November 19, 2003.

Commissioner Bauman seconded the motion. All were in favor and the motion was unanimously approved.

Chairman Tobin presented a ballot for the Florida Special Districts Association, which included a recommended slate. Chairman Tobin requested that Commissioner Brooks complete the ballot and forward to the FSDA. Discussion ensued on the attendance of a Board member at the upcoming FSDA conference. Discussion ensued and Chairman Tobin stated that it was up to Commissioner Brooks to decide on attending.

Chairman Tobin adjourned the meeting at 5:45 p.m.



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

4:00 PM Wednesday, October 15, 2003
Key Largo Civic Club, 209 Ocean Bay Drive
Key Largo, Monroe County, Florida

Board Members Present

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

Staff Present

Robert E. Sheets, General Manager
Charles L. Sweat, Director of Operations
Terry Lewis, Attorney (via telephone until 4:40 pm)
Ed Castle, PE, District Engineer (via telephone until 4:40 pm)
Faith Doyle, Board Clerk

Guest Present

Ms. Science Kilner, FEMA (via telephone until 4:30 pm)
Lawrence Frank, FEMA (via telephone until 4:30 pm)
Dr. Straw, FEMA (via telephone until 4:30 pm)
Miles Anderson, DCA (via telephone until 4:30 pm)
Joan Drejerski, Key Largo resident
Gaile Jelink, Key Largo resident
Robert E. Burt, Key Largo resident
Charles Fishburn, Key Largo resident
Doris Kendall, Key Largo resident
Dirk M. Smits, Esq.
James Lupino, Esq.
Thomas Dillon, Esq.

A. Call to Order

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

B. Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

C. FEMA teleconference concerning the Environmental Assessment

The FEMA call began at 4:00 p.m. Mr. Sheets stated that the Chair had requested that he keep in close contact with FEMA due to the concerns of the Board. Mr. Sheets

stated that the delay in approving the site could cause construction delays and possible grant default.

Ms. Science Kilner stated that the draft Environmental Assessment ("EA") was being developed from the information received. However, the low-income plan was still needed. Mr. Sheets stated that the 70/30 funding plan was on the BOCC agenda. Mr. Sheets stated that the implementation plan is forthcoming. Ms. Kilner stated that the implement plan must be solid and where the dollars are coming from must be certain. Mr. Sheets stated that the County would be the implementing arm for the program. Ms. Kilner stated the design and engineering of the projects should be reviewed. Ms. Kilner questioned if the conceptual plan was close to the original preliminary design that was done by Boyle Engineering. Mr. Ed Castle stated that it was close to the Boyle design. Mr. Kilner stated that she had received WEC's comments on the draft EA. Mr. Sheets informed Ms. Kilner that the Board would hold a Special meeting on October 17 to decide technologies. Ms. Kilner requested that she be updated as soon as possible after the special meeting concerning the actions taken by the Board. Ms. Kilner stated that she required confirmation of the rates. Mr. Sheets inquired if the meeting minutes supporting the approval of the resolution and a copy of the approved resolution would meet the requirement. Ms. Kilner stated that the items would be sufficient and requested they be forwarded immediately so that Dr. Straw could begin his review of the documents.

Dr. Straw stated the his questions on the draft were the alternative site, the rate structure and the low and very low income plan and that once the information was received a first final draft could be generated within several weeks. Dr. Straw stated that if there were no un-for-seen disasters he would be able to give the KLWTD EA immediate attention. FEMA is considering holding the public hearing the first week in December. Dr. Straw stated that an issue arising from Hurricane Isabella set the schedule back. Mr. Sheets stated that the KLWTD requested that if the public hearing could coincide with a regular Board meeting it would be beneficial. Dr. Straw stated that if all additional information is received quickly the December 3 meeting would work. Ms. Kilner agreed that if all information was received by November 1 the regular KLWTD December 3 meeting would be used for the EA public hearing.

Commissioner Brooks asked if there would be a 30-day comment period after the public hearing. Ms. Kilner stated that the comment period starts two weeks prior to the hearing and continues two weeks after and then after the hearing she must incorporate the public comments into the document and finalize the draft, which could take approximately 30 days. Ms. Kilner gave a projected final draft date of the 1st week of January 2004 before FEMA approves the grant to be issued by the State, assuming the public hearing is held in December and no emergency disasters arise.

Commissioner Brooks asked for a date that construction could begin. Mr. Sheets asked when the "fonsi" would be issued. Dr. Straw stated approximately the first week in January 2004. Mr. Sheets asked if once the "fonsi" is issued could DCA begin phase 2. Mr. Miles Anderson stated that a temporary contact would be drafted and the environmental condition added. It would then be forward to the KLWTD to be executed. An approximate date of mid to late February 2004 was given for the start of construction.

Commissioner Wilkinson stated that he was aware that the public has concerns with both sites. Ms. Kilner stated that she was aware of comments received 3 years ago when the County proposed the site, however, FEMA has gone through the processes of due law and adhered to the Endangered Species Act and an opinion was given. The mitigation measures stated in the opinion will need to be met. Also, per the Environmental Policy Act, FEMA will accept the comments but if the project is implemented with the mitigation steps specified the project would be funded. Discussion ensued concerning the previous and potential public comments. Ms. Kilner stated that if the Board wants to see the comments she would forward a copy to them.

Commissioner Wilkinson stated concern for the property owners who are renting to others and getting subsidies that take away from the true resident owners. Discussion ensued on the renters issue. Ms. Kilner notes that FEMA requirements are only for homesteaded properties and that the law doesn't permit FEMA to go further.

Mr. Sheets asked if FEMA would provide a document showing the dates discussed and the things required to be forwarded by the KLWTD. Ms. Kilner stated that the draft September 10 document and cover letter provide this information. Dr. Straw stated that the tentative December 3, 2003 date could be committed to writing with the caveat that if a disaster arises it may be delayed.

Commissioner Brooks asked how much notice is given to the public prior to the meeting. Dr. Straw stated two weeks or approximately November 15, 2003 for a December 3, 2003 meeting. Ms. Kilner stated that she would give the board an opportunity to comment on the notice.

Chairman Tobin requested that the survey concerning shared driveway access from Chris Santee be added to a future agenda. Chairman Tobin stated that Mr. Santee would like direction on how this issue will be resolved.

Mrs. Doris Kendall of Key Largo asked if she could address the Board concerning the location of the proposed treatment plant. Chairman Tobin stated that the proposed site is at mile marker 100.5.

Chairman Tobin asked Mr. Dirk Smits to approach the Board at 4:35.

Chairman Tobin stated that no formal procedure was drafted on conducting the interviews but the manager suggested that qualification be discussed first and then costs second. Chairman Tobin stated that Mr. Smits had previously volunteered his rates, but the other candidates were not asked to do so.

Chairman Tobin suggested the Board rank the interviewees by preference and then discuss costs. Chairman Tobin asked the rest of the Board for their comments.

Commissioner Brooks assumed that the interviews would take place then after they depart there would be a discussion. The balance of the Board members agreed.

Mr. Smits stated that he had previously forwarded his resume. The members of the Board stated that they had received it. Mr. Smits stated that he was a resident of Key Largo, the chair of the Florida Bar Grievance Committee and a volunteer mediator. Mr.

Smits stated that he is a member of the San Pedro Catholic Parish. Mr. Smits is currently working with Vernis and Bowling P.A. as the manager with five associate attorneys under his supervision at the local office. His experience relevant to the KLWTD would be that he is a government practitioner with approximately half of his work relating to government as general counsel to the Mosquito Control Board, the Monroe County School Board and the Layton City Counsel. Mr. Smits noted that he has been requested to be legal counsel for the Monroe County Code Enforcement Office.

Mr. Terry Lewis excused himself from the meeting at 4:40 p.m. noting that if further assistance was required of him he would be available until 6:15 pm.

Mr. Ed Castle excused himself from the meeting at 4:40 p.m.

Mr. Smits stated that he is familiar with the Sunshine Law, public law, contract, ethics and Roberts Rules of Order. Mr. Smits showed the Board examples of the City of Layton new members handbooks and an introduction to the Sunshine Law and public records. He has great experience with the Sunshine Law and has responded to hundreds of public records requests. Mr. Smits stated that he is familiar with procurement law, bid protests, procurement methods and contracting for public entities and the bonding requirements for various projects. Mr. Smits summarized the details of the sunshine violation brought against him. Mr. Smits thanked the Board for their consideration.

Commissioner Bauman asked if Mr. Smits personally represents the government entities he named. Mr. Smits stated that he has contracted with them, they are regular clients and he is personally attending most of the meetings. If not Mr. Scott Black or Dennis Reich are his government associates. Commissioner Bauman asked if he would be attending the KLWTD meetings. Mr. Smits answered in the affirmative.

Commissioner Beaty asked how his firm was selected for the position on the Mosquito Board. Mr. Smits stated that he answered an ad in the paper and then interviewed. Commissioner Beaty asked how many hours a month he worked for the mosquito board on a monthly basis. Mr. Smits stated that it fluctuates but on average outside of the meetings 8 -10 hours a month.

Commissioner Brooks asked about the affiliate offices in Florida and if there was a mechanism in place to avoid travel to Tallahassee if business would need to be done there. Mr. Smits stated that he had contacts in Tallahassee to assist with getting things done and to save recourses. Commissioner Brooks asked if Mr. Smits was aware of how the KLWTD Board has worked with at least two meetings a month that last four to five hours and in an effort to contain costs are looking for a local lawyer that will be economical to review the mundane items. However, if KLWTD gets into a legal issue, is he willing to go through the meeting and if things arise during the meeting be available to deal with them. Mr. Smits stated that he likes to hear the history of the Board to understand the Board's concerns and that comes from attending the meetings. Commissioner Brooks asked were Mr. Smits offices were located. Mr. Smits stated at the 81 mile marker and that there is 24 hours a day, 7 days a week access to him at the quoted price.

Commissioner Wilkinson stated that the other members had asked questions that provided him with most of his answers. Commissioner Wilkinson asked if Mr. Smits had in house legal resource available to him. Mr. Smits answered in the affirmative. Commissioner Wilkinson asked if Mr. Smits was a litigator and if he had any other wastewater districts as clients. Mr. Smits stated he did not directly but had experience with independent special districts. Commissioner Wilkinson asked about copying, typing and incidental expenses. Mr. Smits stated that these would be considered extra and will be charged for. Commissioner Wilkinson asked about extra meetings in the upper Keys. Mr. Smits stated that it was his understanding that the Board met monthly, however the retainer would cover the two regular meetings a month and the telephone access. Commissioner Wilkinson asked if the Board would be charged for routine matters. Mr. Smits stated that if research was required there would be a charge but for a logical follow up from a meeting there would not be a charge. Mr. Smits stated that at a minimum any tasked items would result in a budget being provided to the Board for approval. Commissioner Wilkinson asked if reviewing a route contract would incur a charge. Mr. Smits stated that it would be charged for. Resolution is a logical extension of the meeting per dirk as is a change order per Mr. Smits. Commissioner Wilkinson asked if review of the minutes is part of the meeting agenda. It is considered part of the meeting and not charged for per Mr. Smits. Commissioner Wilkinson asked how Mr. Smits would handle a potential conflict of interest. Mr. Smits stated he did not believe there were presently any conflicts and if any arise he must disclose them. Commissioner Wilkinson asked if a litigator was needed what would Mr. Smits charge. Mr. Smits stated that it would be \$95 an hour plus costs.

Chairman Tobin stated he was is glad to see Mr. Smits being candid to say he was not an expert in wastewater issues. Chairman Tobin questioned of the corporate structure of Vernis & Bowling. Chairman Tobin asked if Mr. Smits was familiar with Roberts Rules of Order and posed several questions to Mr. Smits. Chairman Tobin asked Mr. Smits views on preparation of basic resolutions being done by staff. Mr. Smits stated that he would have no conflict with this. Chairman Tobin asked Mr. Smits about his appointment as a special prosecutor for Monroe County. Mr. Smits stated that presently he had only been assigned one case. However, if a conflict arises he would bow out.

Commissioner Brooks reaffirmed Mr. Smits quoted price of \$95 an hour with a \$400 per month retainer for meetings, phone calls and logically connected its like the meeting minutes and agenda. Mr. Smits confirmed the information. Chairman Tobin asked how emails would be handled. Mr. Smits stated that he could not be used as a conduit to the members but simple questions asked as one-way communication is okay, not two way through the lawyer. Commissioner Bauman asked if it should be a police activity to update all members simultaneously. Mr. Smits stated that if one member gets information all should get it to keep the same information in front of all members.

Commissioner Brooks asked about the potential conflict issue. Mr. Smits stated that he has a screening method to avoid conflicts. Mr. Smits stated that as special prosecutor with the County they have many to choose from so he can avoid conflicts.

Chairman Tobin thanked and excused Mr. Smits at 5:20 p.m.

Ms. Doris Kendall asked to address the Board. Chairman Tobin would like to hold public comment until after the time specific interviews. Ms. Kendall requested that Mr. Smits be present for her comments. Chairman Tobin stated that it was a professional courtesy for the attorneys to interview individually. Discussion on public comment ensued. Chairman Tobin stated that comments would be taken later in the meeting.

Mr. James Lupino addressed the Board beginning at 5:25 p.m. Chairman Tobin asked indulgence for the delay due to the need to teleconference with the FDEP on a pressing issue. Mr. Lupino introduced himself and stated that he arrived in the Keys in 1989 and has practiced since 1977. He had been in house legal counsel for a cement and lumber firm and has been in private practice since 1980 and in his current partnership since 1995. He currently serves the boards of the Florida Board of Governors and is Chairman of Key Largo Chamber of Commerce. Mr. Lupino's primary area of practice is Business Law with specialty in contracts, construction, real estate and litigation.

Commissioner Wilkinson asked Mr. Lupino if he had experience with the Florida Public Government laws. Mr. Lupino stated he had very little direct experience but had land use experience and he is familiar with Monroe County Ordinances. Commissioner Wilkinson asked if he had legal resources available throughout the state. Mr. Lupino stated that as a member of Florida Board of Governors of the Bar Association he has contract with attorneys from all circuits of the state. Commissioner Wilkinson asked if Mr. Lupino would attend all meetings, which can be more than twice a month. Mr. Lupino stated that if something comes up he has back up. Mr. Lupino had anticipated that the Board would meet twice a month. Commissioner Wilkinson asked about fees. Mr.

Lupino stated he would work out a billing hourly rate and a retainer is negotiable. Commissioner Wilkinson asked how additional cost would be accounted for. Mr. Lupino stated that soft costs and hard costs are out of pocket in advance and that soft costs are computed at a fixed percentage. Mr. Lupino stated that attending additional meetings outside of the Keys are negotiable and travel and expenses would be reimbursable. Commissioner Wilkinson asked about routine matters resulting from the meeting. Mr. Lupino stated that these items would be at the hourly rate unless otherwise negotiated, as would he for drafting resolutions. Commissioner Wilkinson asked about litigation rates. Mr. Lupino stated there could be a sliding scale negotiated but if there is a lawsuit to be litigated it is a risk and would be charged at the full rate.

Commissioner Wilkinson asked Mr. Lupino's view on a board member having access to legal council. Mr. Lupino stated that routine telephone calls or email related to an agenda item would not necessarily be billed, but 4-5 phone calls a day from each member would be billable.

Commissioner Wilkinson asked if Mr. Lupino had any conflicts if representing KLWTD. Mr. Lupino stated there would potentially be one with Caffinetti and his stating it was for disclosure. Mr. Lupino stated that he is on the Wastewater Committee for the Chamber of Commerce so he may need to bow out of certain votes posed to the Chamber's Committee.

Commissioner Brooks asked if Mr. Lupino is willing to sit through 4-5 hour meetings. Mr. Lupino stated he would. Commissioner Brooks asked if Mr. Lupino would attend all meetings. Mr. Lupino stated that he would make every attempt but would provide a

replacement if he were not available. Commissioner Brooks asked Mr. Lupino's philosophy on how a Board should operate concerning preparing a resolution. When and how should the attorney be involved and if the process should involve the manager. Mr. Lupino stated that it would be the Board's preference however, the attorney should be involved but the level of involvement determined by the Board. The manager would draft it and then legal counsel would review it.

Commissioner Bauman is concerned with the Sunshine Law issue and having government experience. Mr. Lupino stated that although government was not a primary area of his practice he doesn't anticipate there will be much difference but he is willing to learn. Commissioner Bauman asked if Mr. Lupino's learning curve would be considered off the clock and he desires to know all costs in advance. Mr. Lupino stated that he would provide an estimate prior to starting tasks for the Board's decision-making process. Commissioner Bauman asked how Mr. Lupino would distinguish a personal request for a Board request. Mr. Lupino stated that he and staff should follow official votes of the Board.

Commissioner Beaty asked if voted on directives would be the only directives followed. Mr. Lupino stated yes, that votes on directives would be best but he would use his discretion. Commissioner Beaty asked for Mr. Lupino's approximate fees. Mr. Lupino stated that his normal hourly rate is \$295 per hour but a proposed concept for attending regular meetings assuming he leaves his office at 3:30pm and is not home until 8:00pm would suggest \$100 an hour for attendance and for lightweight work perhaps ½ of his hourly rate, for travel he would reduce the hourly rate by a percentage and for litigation representation it would be charged at the full hourly rate.

Commissioner Beaty asked what Mr. Lupino would envision for most time spent working for the Board. Mr. Lupino stated that at present he would assume most of the time would be for attending meetings.

Chairman Tobin stated that his main concern is how to use the attorney's time efficiently and asked Mr. Lupino's views on interacting with the Board outside of the meetings. Mr. Lupino stated that if calls are often and would interfere with his normal business then something would need to be changed. Chairman Tobin asked his opinion on how to keep all members on the same page. Mr. Lupino stated that it is hard even if a summary of the conversation is forwarded to all with a one on one conversation it is almost impossible, however emails addressed to the attorney and copy to all and responses sent to all may be sufficient. Chairman Tobin asked if Mr. Lupino would feel comfortable in debates with Monroe County concerning loan agreements, ordinances and business with the DCA and FEMA along with meeting growth management plans and conditional use permitting for the construction of the plant. Mr. Lupino stated that he interacts with the BOCC on a regular basis and would feel comfortable dealing with the other government entities.

Mr. Sheets asked if Mr. Lupino was familiar with the requirements for reimbursement under Act 112. Mr. Lupino was familiar with them. Mr. Sheets asked about his representation of Metcalf and Eddy who was selected by the CCNA process to enter into a Standard Engineering Agreement and what his position would be if the contract comes before the Board. Mr. Lupino stated that he couldn't represent Metcalf and Eddy in front of the Board.

Chairman Tobin thanked Mr. Lupino and concluded the interview at 6:00 p.m.

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

Chairman Tobin reconvened at 6:13 p.m.

Chairman Tobin introduced Mr. Thomas Dillon at 6:15 p.m.

Mr. Dillon thanked the Board for opportunity to meet with them and then stated that as one of the newest attorneys in the Keys this was an opportunity he didn't expect, he looks forward to working with the Board. Mr. Dillon stated that he had provided his resume by email for consideration. Mr. Dillon stated that he had worked in public and private settings and had been involved with procurement, bidding and bid protests. Mr. Dillon had practiced in California and Alaska. Mr. Dillon stated that he believes he can make positive contributions to the KLWTD and that his philosophy is to assist his clients to achieve their objectives. He would concentrate on knowing the Board's goals and the individual member's goals as long as they are not illegal or immoral while doing them the most cost effective way. Mr. Dillon stated that he is not afraid to give business advice, along with legal advice, but knows the difference between the two. Mr. Dillon stated that most of what he has learned about the agency has been from newspaper articles. He would try to assist the Board in resolving the questions facing the board and he realizes the importance for a public agency to be cost efficient. Mr. Dillon stated that his proposed fee structure would be to charge \$100 per meeting and that prior to conducting excessive research he would determine if the Board as a whole has requested the task be done. Otherwise, an estimate of time required to complete a task would be presented to the Board for consideration. Mr. Dillon stated that he would familiarize himself with Florida Law at his own cost. Mr. Dillon also stated that he would charge \$95 an hour for the first 15 hours of work for the KLWTD and \$135 an hour for any hours over 15 a month and the contract would be at will. Mr. Dillon thanked the Board for their consideration and stated that he would be pleased to answer questions.

Commissioner Brooks asked how the number of hours for tasks would be determined. Mr. Dillon stated that it would be determined per task and he added that after talking with Chairman Tobin he had been informed that not many months have 15 hours of activity a month. Commissioner Brooks reconfirmed Mr. Dillon's prices as \$95 an hour for the first 15 hours per month, \$135 an hour for each additional hour and each meeting would be charged at a flat fee of \$100 per meeting. Mr. Dillon confirmed the information as correct.

Commissioner Brooks asked if Mr. Dillon would be willing to sit for a 5-hour meeting for \$100 per meeting. Mr. Dillon answered in the affirmative. Commissioner Brooks asked if Mr. Dillon had worked with similar boards. Mr. Dillon stated that he worked with public agencies in Alaska using their Sunshine and Public Stewardship Laws and has been on the Parks and Recreation Board for the City of Anchorage. Also, for last five years he consulted with the Alaska Supreme Court on procurement issues by email but did not attend board meetings. Mr. Dillon stated that none of Alaska State agencies have board meetings.

Commissioner Brooks asked Mr. Dillon if he was aware of how stringent the Florida Sunshine Law was. Mr. Dillon stated Alaska's Sunshine Law was not as strict as Florida's and that what he has read on the Florida law it is very strict. Mr. Dillon stated that with the Board meeting twice a month it should avert trouble.

Commissioner Wilkinson asked about Mr. Dillon's experience with Florida law. Mr. Dillon stated that he is lacking except for the research he had done in preparation for today. Commissioner Wilkinson asked if he had access to law libraries for research. Mr. Dillon stated that he has signed up for Lexus and Nexus. Commissioner Wilkinson asked if he had experience with local codes. Mr. Dillon stated that unfortunately his information on specific local ordinances is limited he has planning and zoning experience from other communities. Mr. Dillon plans on attending all KLWTD meetings. Commissioner Wilkinson asked if Mr. Dillon had litigation experience. Mr. Dillon stated that he does, but he tries to keep clients out of litigation because it is costly. Commissioner Wilkinson asked how additional expenses would be charged. Mr. Dillon stated that they are considered overhead and if an unusual expenditure arose it would be stated in the task estimate, otherwise Mr. Dillon would absorb the expense.

Commissioner Wilkinson asked about charges for attending meetings or function in the upper Keys. Mr. Dillon stated that it would be part of the 15 hours at \$95 but not travel. Commissioner Wilkinson questioned travel to Miami. Mr. Dillon stated that for an overnight stay he would request payment for the expenses but not for travel.

Commissioner Wilkinson asked about mundane versus in depth research. Mr. Dillon stated that reasonable request would be at the general rate. Mr. Sheets asked if Mr. Dillon would expect the Board to pay for his learning curve. Mr. Dillon stated that the learning of the local laws and agencies would be on his time.

Commissioner Wilkinson asked his charge on special research such as reviewing or requesting an attorney general opinion. Mr. Dillon stated it would be \$95 for the first hour unless it was over the 15th hour.

Commissioner Wilkinson asked the charge for reviewing routine resolutions that are constructed during the meeting. Mr. Dillon stated that it is considered part of the meeting.

Commissioner Wilkinson asked the charge for preparing a contract for an outside party. Mr. Dillon stated that it would be \$95 for the first 15 hours and then \$135 above 15 hours per month as it would be for litigation, and routine emails and phone calls from key staff.

Mr. Dillon stated that he would provide a monthly, itemized billing that would include the date, description and the time rounded to the nearest 10th of an hour.

Commissioner Bauman asked if Mr. Dillon would have a local office. Mr. Dillon stated within the next two weeks.

Commissioner Beaty asked Mr. Dillon about his procurement experience. Mr. Dillon stated that during his employment with Exxon he was responsible for all legal work concerning drilling in open seas. He had left Exxon in 1987 but when the Valdez spill

occurred in 1989, Valdez asked him to help with the legalities of the clean up. HE also managed the litigation for the resulting difficulties. Mr. Dillon stated that during his employment with MACtel he was responsible for all procurement and union personnel issues and that during his five years with the State of Alaska he reviewed all bid protests and handled the review of all contracts for the DOT Central Region, he also litigated bid protest, administrative hearings, and negotiated contract disputes over changed conditions.

Chairman Tobin stated that Mr. Dillon had an impressive resume and an excellent background in contracts and procurement and that as a new board the KLWTD wrestles with how to conduct business and some policy issues like getting information to all members is becoming a major problem. Chairman Tobin believes Mr. Dillon would be in the position of giving advice on how the Board is to act. Mr. Dillon stated that the Board as an elected body of five acts as one and tasks should come to staff that way as the act of one Board and that individual request must be looked at by interpretation of the Sunshine Law.

Chairman Tobin posed a hypothetical situation to Mr. Dillon concerning one commissioner writing a letter to Governor Bush on official stationery and signed in an official capacity. Mr. Dillon stated that unless a policy is in place covering the situation he would like to discuss the issue in front of the entire Board because he doesn't want to become an instrument of conflict and these type issues should be addressed prior to action and a policy in place that states that any individual using the name of the Board in an official capacity only if it represents the consensus of the Board.

Chairman Tobin asked Mr. Dillon how working for the KLWTD would fit into his professional practice. Mr. Dillon stated that he had no interest in padding hours to attain a set income and that when he relocated to the Keys he wanted to use his experience to teach and to consult with other lawyers concerning construction, procurement law and he would like not to work 40 hours a week.

Mr. Sheets asked if the \$100 charge per meeting would include agenda review and review of the minutes. Mr. Dillon stated that it would. Mr. Sheets asked if Mr. Dillon would consider negotiating a retainer with a fixed fee. Mr. Dillon stated that he would consider it.

Commissioner Brooks asked if a detailed invoice could be provided with billing by specific task. Mr. Dillon stated that he has a billing program called Time Slips and it has flexibility.

Commissioner Wilkinson stated he doesn't like being told things can't be done he likes to be given information on how things can be done. Mr. Dillon noted the objective on his resume "To help find and implement creative solution to complex problems." Commissioner Wilkinson stated that he doesn't want to have his first amendment rights infringed on. Mr. Dillon stated that he believes the citizens have elected the individuals to office, but to work as a Board it is appropriate for some individual actions and requests from individual members (unless the policy of Board suggests it) and it is a rare occurrence and to control cost and stewardship of public funds to have a majority of the Board assign tasks.

Discussion ensued on the use of an attorney and how the Board should access the attorney. Mr. Dillon stated that he would be uncomfortable being placed in a position for individual consultations with the attorney and there should be parameters set.

Chairman Tobin requested that Mr. Dillon forward samples of his opinions. Mr. Dillon stated that he would forward them as soon as possible. Chairman Tobin concluded the interview at 7:15 p.m.

D. Public Comment

Ms. Doris Kendall addressed the Board. She stated that she was glad she heard Mr. Dillon speak and that she had come to speak on behalf of Mr. Smits. Ms. Kendall believes that last year too much money was spent in legal fees and is glad to see other solutions being looked at and that cost is important. She believes the Board should have meetings with an attorney present for questions and answers.

There was no further public comment.

Chairman Tobin asked for discussion on the legal counsel selection. Commissioner Brooks stated that if the process of elimination were used he would be comfortable with a country type lawyer and that he came in favoring Mr. Smits and his experience. Commissioner Brooks doesn't believe working would lower legal costs with Mr. Lupino. Commissioner Brooks was very well impressed with Mr. Dillon and his ability to communicate with the Board. Commissioner Brooks ranked the candidates as Mr. Smits first, Mr. Dillon second and Mr. Lupino third.

Commissioner Wilkinson stated that Mr. Smits is experienced in the Keys and Mr. Dillon is great but he has concerns that the public would need to pay his learning curve. Commissioner Brooks ranked the candidates as Mr. Smits first, Mr. Dillon second and Mr. Lupino third.

Commissioner Bauman thanked Ms. Kendall for her input. Commissioner Bauman believes that Mr. Smits has the experience but did not answer questions directly and that Mr. Lupino too busy and more expensive and should not be considered further. Commissioner Bauman believes that although Mr. Dillon does not have Keys experience that Alaska had similarities. Commissioner Bauman ranked the candidates as Mr. Dillon first, Mr. Smits second and Mr. Lupino third.

Commissioner Beaty agreed with all comments made concerning Mr. Lupino and that the hourly rate was excessive. He also got the feeling that KLWTD wasn't going to be his main client and although very skilled as a litigator he is not the correct fit for the KLWTD at this time. Commissioner Beaty stated that he was impressed with Mr. Dillon and as new a sole practitioner KLWTD would be his main client. Mr. Dillon's rates are attractive and his experience very extensive. Also, Mr. Dillon answered the Board questions point blank. However, his inexperience in the Keys causes concern. Commissioner Beaty ranked the candidates as Mr. Smits first, Mr. Dillon second and Mr. Lupino third.

Chairman Tobin ranked the candidates as Mr. Dillon first; Mr. Smits and Mr. Lupino tied at second. Chairman Tobin is concerned with the potential conflict of interest with Mr.

Smits as a County Prosecutor and he is not comfortable with the political issues involved with his working with the school board. Discussion ensued on the potential conflict of interest. Chairman Tobin stated that Mr. Dillon should be able to get up to speed on Florida law with the tape series published by the Florida Bar.

Chairman Tobin asked the Board if they wished to vote or postpone action until the next meeting.

Commissioner Wilkinson made a motion to select Mr. Dirk Smits as the KLWTD attorney. Commissioner Brooks seconded the motion. Chairman Tobin asked for further discussion. Commission Bauman comments that concerning Mr. Dillon's learning curve that if he has passed the bar and knows the law that learning the local agencies by attending various meetings to learn the players and by reviewing the interlocal agreements would provide enough history. Commissioner Beaty is concerned with how the public would perceive hiring someone not established in the area. Chairman Tobin believes that although new to the area, Mr. Dillon is local because he bought a house and has passed the bar. Discussion ensued on what constitutes being a local and how it would be perceived to hire someone who is not considered one. Chairman Tobin stated that the opportunity to hire a mature and experienced attorney should be taken advantage of and he would like to see the Board give Mr. Dillon a chance. Chairman Tobin stated concern with the KLWTD sending Mr. Smits as representative to appear in front of the BOCC. Discussion ensued on Mr. Smits possible conflicts of interest and his ability to represent multiple jurisdictions. Chairman Tobin argued that Mr. Smits was a Monroe County Prosecuting Attorney for the Code Enforcement Office and he believes that it would cause bad press. At the conclusion of the discussion Commissioner Beaty stated that he was inclined to change his ranking to consider Mr. Dillon first, Mr. Smits second and Mr. Lupino third. Chairman Tobin called for a roll call vote.

Commissioner Bauman	No
Commissioner Beaty	No
Commissioner Brooks	Yes
Commissioner Wilkinson	Yes
Chairman Tobin	No

The motion failed.

Commissioner Bauman made a motion to start negotiations with Thomas Dillon as Board Attorney. Commissioner Beaty seconded the motion. Chairman Tobin asked if there were any further discussion. Commissioner Brooks asked what the conditions of the contract would be. Commissioner Bauman requested that the manager be directed to draft the document. Mr. Sheets stated that no matter who is chosen a contract hammered out by the team, which should consist of a Board member along with the manager and with staff assistance with a scope defined and agreed to by the Board. The terms can be set for the purpose of negotiations and the candidate could be asked for a retainer for certain services and a fixed fee similar to the contract with the manager. Commissioner Brooks suggested negotiating both and bringing back both offers. Chairman Tobin requested that an "Option A" and "Option B" be presented. Commissioner Brooks stated that if

the motion passed a member of the Board should be selected to work with the manager. Chairman Tobin asked for any further discussion. There being none he called for a roll call vote.

Commissioner Bauman	YES
Commissioner Beaty	YES
Commissioner Brooks	YES
Commissioner Wilkinson	NO
Chairman Tobin	YES

The motion carried.

Commissioner Brooks made a motion to appoint a member of the Board to the negotiation team. The Chairman stated that he would like to appoint Commissioner Brooks. The motion failed due to lack of a second.

Commissioner Beaty motioned to appoint Commissioner Brooks to the negotiation team. Chairman Tobin seconded the motion. With no further discussion the motion was unanimously approved.

E. Additions, Deletions or Corrections to the Agenda

F. Minutes – Draft August 13, 2003; Draft August 27, 2003; Draft Sept. 3, 2003; Draft Sept. 17, 2003

SEE BELOW

G. Local Legal Counsel Interviews

SEE ABOVE

1. 4:00 p.m. Mr. Dirk M. Smits
2. 5:00 p.m. Mr. James Lupino
3. 6:00 p.m. Mr. Thomas Dillon

H. Action Items

1. Approval of Resolution 2003-20 to Provide Copies of KLWTD Documents to the Key Largo Public Library

Commissioner Brooks requested that the resolution be reworded to include that the copy would be sent to the Library at the same time as it is to be provided to the Board. Discussion ensued on the process to be used for delivery.

Commissioner Brooks made a motion to approve the resolution as stated. Commissioner Bauman seconded the motion. All were in favor and the motion was unanimously approved.

2. Approval of the October 8, 2003 Payments Pending List

Commissioner Brooks stated that the Weiler invoices should be itemized and time spent on activities given even when billed at a flat rate. Commissioner Bauman asked if

a status on payments and what funds are available in the bank could be provided. Mr. Sheets stated that the year-to-dates would start next fiscal year. Mr. Sheets stated that items aren't on the payment list unless there is cash to cover the payments.

Commissioner Bauman stated that the financial status had been requested previously and quarterly would be sufficient also, the issue on Weiler and GSG fixed fee contract with set monthly fees should include time sheets and that although they are not a requirement or as a condition of payment as a policy issue and for monitoring they should be included. Mr. Sheets stated that the information would be included with future invoices. Chairman Tobin stated that the Board needs to know what the staff is doing. Chairman Tobin asked if it was the consensus of the Board that all vendors including flat fee contracts provide enough detail to know what the staff is doing. Commissioner Wilkinson stated that it needs to be placed into the policy.

Commissioner Brooks believes that getting the information would give the Board a better idea on what has transpired between meetings.

Mr. Dirk Smits returned to the meeting at 8:30 p.m.

Chairman Tobin informed Mr. Smits that after lively debate Mr. Thomas Dillon was chosen to begin negotiations with. Mr. Smits thanked the Board for the opportunity to interview.

Chairman Tobin asked for any further comments on the payment pending list.

Commissioner Bauman motioned to approve the payment pending list.

Commissioner Wilkinson seconded the motion. All were in favor and the motion was unanimously approved.

I. General Manager's Report

1. Status Report on the FEMA Environmental Assessment
 - a. Low and Very-low Income Assistance Program
 - b. Site Mitigation

Mr. Sheets stated that most of the information was covered in the 4:00 p.m. conference call and that he would bring back the low-income implementation plan for Board consideration. Mr. Sheets stated that nothing is required prior to the public hearing for site mitigation but there needs to be an understanding of the cost impact for the replacement of what is removed by construction. Chairman Tobin stated that a decision on the conservation easement may be necessary and that a packet of information from Mark Rush had been received. Chairman Tobin also stated that a letter from Fish and Wildlife requesting a deed restriction should be looked at carefully. Mr. Sheets was directed to discuss it with Tim McGarity and George Garrett.

2. Discussion for possible action Proposed GSG and WEC Scope of Service Change
 - a. KLWTD Work Authorization WEC 03-01 (Amendment 1) with Weiler Engineering Corporation for the KLTV Project
 - b. KLWTD Work Authorization WEC 03-02 (Amendment 2) with Weiler Engineering Corporation for the KLP Project

c. KLWTD Work Authorization GSG 03-01 (Amendment 1)
with Government Services Group, Inc. for the KLP & KLTV
Projects

Mr. Sheets stated that the amended work authorizations were drafted at the direction of the Board as described in the memorandums that were provided. The most significant changes were to include Mr. Charles Fishburn as a full time employee of GSG who would be conducting the KLWTD project inspection service.

Mr. Sheets stated that at the special meeting to be held on the 17th of October would address the proposed change order for Haskell on the initial design phase.

Chairman Tobin asked the manager for an explanation of a fixed fee not-to-exceed option and a time and materials not-to-exceed option. Discussion ensued on the two options. Chairman Tobin asked that if a not-to-exceed option was used if less hours are used would KLWTD be charged a flat fee. Mr. Sheets stated that with a time and materials option when the not-to-exceed amount is reached work on the project would stop and the Board would be asked for additional funds to complete the work. With a fixed fee (Option B) the fee is the same no matter if 3 hours a month are worked or 20 hours it can involve risks but under no circumstance would the Board be requested for additional funds.

Chairman Tobin expressed concern and stated that he was unhappy with the email agreement between himself and Mr. Sheets. Discussion ensued. Mr. Sheets stated that he would submit to the Board as district manager a report that will show that GSG staff has given the Board many hours of service for the flat fee being received.

Chairman Tobin stated that he would be reviewing the tapes of the meetings and the email communications concerning this issue.

Mr. Sheets stated that the discussion on procedures could be discussed at present or continued.

Mr. Sheets reviewed the presentation outline for the special meeting to be held on October 17, 2003 with estimated time for each topic and the order of the presentation.

Commissioners Bauman and Wilkinson believe the secondary treatment process selection should be made on the 17th of October.

3. Other Items

There were no additional general manager items.

J. Legal Counsel's Report

There were no legal counsel items.

K. Engineer's Report

There were no engineer's items.

L. Commissioner's Items

SEE ABOVE

M. Meeting Adjournment

Commissioner Bauman made a motion to adjourn the meeting and Commissioner Wilkinson seconded the motion.

Chairman Tobin adjourned the meeting at 9:00 p.m.



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

1:00 PM Friday, October 17, 2003

Key Largo Public Library, 101485 Overseas Highway
Key Largo, Monroe County, Florida

Board Members Present

Andrew Tobin, Chairman
Gary Bauman, Member
Cris Beaty, Member
Charles Brooks, Member
Jerry Wilkinson, Member

Staff Members Present

Robert Sheets, General Manager
Charles L. Sweat, Director of Operations
Jeff Weiler, Weiler Engineering Corporation
Ed Castle, Weiler Engineering Corporation
Faith Doyle, Board Clerk

Guest Present

Nos Espat, Randazza Corp.
Terry Zaudtke, CPH Engineering
John Verscharen, TSC Jacobs
Glen Calltharp, Fluidyne
Robert E. Burt, Key Largo Resident
Gaile Jelinek, Key Largo Resident
Bill Brookman, MCHD
Walt Messer, D.N. Higgins
Tom Evans, Evans Environmental
Thomas M. Dillon, Keys Resident
Joe Paterniti, Brown and Caldwell
Stuart Oppenheim, Brown and Caldwell
John Bratby, Brown & Caldwell
Pete Kinsley, The Haskell Company
Ted Hortenstine, Brown & Caldwell

A. Call to Order

Chairman Tobin called the meeting to order at 1:07 p.m.

Chairman Tobin outlined the agenda for the meeting and introduced the newly appointed Board Attorney Mr. Thomas Dillon. Chairman Tobin turned the floor over to Mr. Robert Sheets the KLWTD General Manager. Mr. Sheets stated that the afternoon would focus on assisting the Board in its decision to use technologies.

Mr. Charles Sweat introduced himself to those assembled and gave a brief biography of his experience.

Mr. Jeff Weiler, KLWTD Engineer introduced himself and gave a brief biography of his experience.

Mr. Ed Castle, Project Manager introduced himself and gave brief biography of his experience.

Mr. Pete Kinsley, Haskell Company, introduced himself and gave a brief biography of his experience.

Mr. Ted Hortenstine, Brown and Caldwell introduced himself and gave a brief biography of his experience.

Mr. John Bratby, PhD, Brown and Caldwell regional process manager for Brown and Caldwell gave a brief biography of his experience.

Mr. Joe Paterniti, Brown and Caldwell introduced himself and gave a brief biography of his experience.

Mr. Stu Oppenheim, Brown and Caldwell introduced himself and gave a brief biography of his experience.

Mr. Terry Zaudtke, CPH engineers introduced himself and gave a brief biography of his experience.

Mr. Glen Calltharp, Fluidyne, introduced himself and gave a brief biography of his experience.

Mr. Walt Messer, DN Higgins, introduced himself and gave a brief biography of his experience.

Mr. Nos Espat, Randazza, (Purestream) introduced himself and gave a brief biography of his experience. Commissioner Bauman asked Mr. Espat if he was a certified engineer. Mr. Espat stated that he was not. .

Mr. John Verscharen, TSC Jacobs introduced himself and gave a brief biography of his experience.

Mr. Robert Sheets, Government Services Group, Inc. introduced himself and gave a brief biography of his experience.

Chairman Tobin recognized and thanked County Commissioner Murray Nelson and Bill Brookman for their attendance.

B. Pledge of Alliance

Because of the lack of a flag the pledge was not recited.

C. Public Comment

Please see below.

D. Additions, Deletions or Corrections to the Agenda

There were no additions, deletions or corrections to the agenda.

E. Presentations on Vacuum Collection Systems and Advanced Wastewater Treatment Processes

Mr. Peter Kinsley of the Haskell Company began the presentation at 1:30 p.m. he then introduced Mr. Ted Hortenstine who showed the first slide on operating requirements.

The presentation outline is incorporated and made part of the minutes as Attachment A.

Dr. Bratby reviewed the available processes slide stating that the challenge is total nitrogen. He then described the modified process for small facilities and described the removal of nitrogen from wastewater.

Mr. Hortenstine then gave some history of the RFP and the need to review two processes the SBR and USBF, which they have done. Consideration of NBR process was not part of the RFP due to the cost consideration and other reasons.

Mr. Hortenstine then gave an SBR overview. He stated he believes it could do the job with additional modifications to the process.

Mr. Hortenstine described the ISAM process, which assists aerobic process adding that the SBR process is where the ammonia is oxidized. He described the four-part sequence that is accomplished in one tank. Dr. John Bratby provided further details. Mr. Hortenstine described the USBF process along with Dr. Bratby.

Mr. Hortenstine described the evaluation process stating they asked both vendors for information and confirmed references for process and visited treatment facilities. Operational cost were given by the manufactures, however they used their own expertise on sludge cost. Dr. Bratby reviewed each of the processes in reference to sludge generation. There are non-biodegradable by products (sludge), which are estimated at about 20% of influent solids or approximately 41 lbs a day needs to be processed in some way. Dr. Bratby stated that sludge can be reduced by various means but it will not be eliminated. Dr. Bratby stated that a digester could assist in the process.

Commissioner Wilkinson stated that there was a typo on the inert sludge generation slide.

Mr. Hortenstine and Dr. Bratby reviewed the USBF numbers showing how it approaches the nitrate requirements. It was noted that only four weeks of data was used for the review and on Marco Shores the temperature stays warm and with this process temperature has an impact.

Chairman Tobin asked if Marco Shores was the only USBF looked at. Mr. Hortenstine stated that the ones used on the chart; Ocean Side, Marathon Marina, Tiki shores, etc. were also reviewed. Chairman Tobin asked if these were comparable comparisons. Discussion ensued on the levels of nitrogen and the relationship to the data given and if it may have adversely impacted the results of the graph. Chairman Tobin requested he give the sizes of the plants for the comparison stated. Mr. Hortenstine reviewed the information provided on the slide in greater detail.

Mr. Jeff Weiler asked if any of the comparison USBF plants were at capacity. Mr. Hortenstine stated that Marco Shores uses two of four trains mostly and are operating the others due to seasonal peaks. Mr. Weiler asked if any are required by permit to have 10.10.10.1 by permit for a secondary process. Mr. Hortenstine stated yes. Commissioner Brooks asked if required by permit to be 5.5.3.1 could they operate that way. Mr. Hortenstine stated that plants are designed give proper results of the effluent levels. Discussion ensued on the expectation of a process.

Mr. Hortenstine stated that USBF is easy to operate with not a lot of mechanics to fail; it has continuous operation with no cycling on and off. The disadvantages come from the lack of consistent flows and difficulties handling peak flows. He added that KLWTD would have seasonal variations and weekend peaks that would affect flows.

The ISAM process (Fluidyne) has multiple SBR facilities stated Mr. Hortenstine. He noted that with both processes, Florida is one of the only states that has a 5.5.3.1 requirement because of the temperature of the receiving streams. Mr. Weiler asked if the plants are operating at capacity. Mr. Hortenstine noted that Blacks Fort is going to expand because it is going past capacity.

The ISAM advantages and disadvantages were reviewed. It was noted that the process handles peak flows well and there are plants working at 5.5.3.1. The process is more complex and more operator attention is required along with process instrumentation. Operational costs are difficult to determine.

Commissioner Wilkinson asked about storage facility cost on chemical storage. Mr. Hortenstine stated that it wouldn't be unduly burdensome to abide by. Comm. Wilkinson question electrical costs comparison. Mr. Hortenstine stated that the power to oxidize the nitrate is used to degrade B.O.D.'s.

Chairman Tobin asked where the data was received concerning the sludge costs. Mr. Hortenstine stated that he had recently take a masters class concerning the subject and that although no real data was available a statistical theory of estimating them was used for computing them. Mr. Hortenstein stated that he did not except zero sludge as stated by the vendor.

Discussion ensued on the USBF and SBR systems, the capital costs of both and the possibility of expansion of both systems. Mr. Hortenstine noted that USBF is not established and he is uncomfortable with the treatment Process.

Mr. Jeff Weiler and Mr. Ed Castle presented their recommendation on the treatment systems. WEC recommended SBR with modifications adding that there is not enough data to support using the USBF system.

Discussion ensued concerning the modifications needed for both processes and if the size of the plant would make it difficult to achieve the standard.

Mr. Charles Sweat presented GSG's recommendation. GSG recommended SBR for use in Key Largo.

Chairman Tobin recessed at 3:30 p.m.

Chairman Tobin reconvened at 3:40 p.m.

Ms. Nancy Brooks of the DEP's Marathon office was introduced.

Chairman Tobin requested the USBF vendor and engineers to address the concerns of the Board. Mr. Terry Tsaudkey of CPH spoke concerning the Purestream USBF systems. He stated that the systems shown were not designed to be AWT and that is why the nitrogen's are not at 3. Discussion ensued concerning the USBF process and about the sludge blanket and sludge wasting. Mr. Nos Espat of Randazza, Inc. spoke concerning sludge costs and nitrogen levels.

Discussion ensued on the lack of information provided to the Haskell team by Purestream and Randazza during their evaluation of the systems.

Chairman Tobin stated that information must be provided so that the Board could make an informed decision.

Dr. Bratby asked Mr. Espat about the capacity and type of facility used for the evaluation. Discussion ensued. Mr. Ed Castle stated that he had received information from Mr. Espat but was not satisfied that the data indicated USBF would work.

Mr. Glen Calltharp addressed the Board concerning the SBR technology. Discussion ensued on plant size, permit requirements and nitrogen levels.

Commissioner Wilkinson made a motion to accept modified SBR technology and Chairman Bauman seconded. Commissioner Bauman stated that a warranty on the process should be in writing. Commissioner Beaty comments that he is not convinced on sludge removal costs and power costs and he did not find the presentation of the ISAM process compelling enough to reverse his thought process. Commissioner Brooks commented that he is not comfortable with the modification required for either system. It was stated that with a motion on the floor a vote must be taken. Chairman Tobin would prefer not to vote until warranties are available in writing. Commissioner Wilkinson motioned to call the question. Chairman Tobin urged the Board to vote no so that warranties could be secured. Discussion ensued on the warranties. Commissioner Wilkinson stated that Haskell is the warrantor and there should be no further discussion. Commissioner Brooks asked legal counsel if the motion could be tabled so that voting could take place at a future meeting. Commissioner Beaty stated that as the swing vote he would prefer to wait. Discussion continued concerning warranties and the need to have one prior to the selection of a technology. Mr. Weiler stated that warranties are in place and that the particulars could be confirmed during the design process. The Board asked staff if the warranty concerns impact their recommendations. Staff stated that

their recommendations are not related to the warranty concerns and would stand as is. Commissioner Wilkinson stated that if the Board does not have trust in the staff's recommendation Haskell has the warranties and if the vendors default Haskell is holding bonds that would cover the KLWTD. Chairman Tobin asked if the prior motion could be trumped by another motion.

Commissioner Brooks made a motion to defer and table action on the item. Chairman Tobin seconded the motion. Commissioners Tobin, Beaty and Brooks were in favor of the motion. Commissioners Bauman and Wilkinson were not in favor. The motion carried.

Commissioner Wilkinson asked for a point of order and if the motion required a specific date for action. Discussion ensued on the costs involved in postponing the decisions and if it opens the KLWTD to possible litigation from Haskell. Discussion ensued concerning the impact on the project schedule. Commissioner Wilkinson noted that the lack of a decision might be of concern to FEMA.

1. Government Services Group, Inc. recommendation
See above.
2. Weiler Engineering Corporation recommendation
See above.
3. The Haskell Company's recommendation
See above.

F. Action Items

1. Approval of a Vacuum Collection System

Chairman Tobin recessed the meeting at 7:00 p.m.
Chairman Tobin reconvened the meeting at 7:13 p.m.

Mr. Joe Paterniti of Brown and Caldwell presented information on the function of the vacuum collection system.

Mr. Jeff Weiler questioned the possibility of corroded valve pits noting that has it been a problem in the Airvac systems to date and that in the salt ground water conditions here cause concern. Mr. Sweat stated that 3/16" stainless steel vaults would help them to last.

WEC recommends Airvac because of the whole tank system. Discussion ensued concerning the number of houses per pit, installation concerns and settling problems.

Mr. Tom Evans explained that the sump tests ordered by Boyle Engineering were not conducted under proper conditions and that they had not been installed per the manufacturers recommendations. Discussion ensued on installation and testing methodology.

Commissioner Wilkinson commented that he preferred Roovac for many reasons and that Higgins as the installer prefers Roovac. **Commissioner Wilkinson made a motion to approve Roovac. Commissioner Brooks seconded the motion. Discussion**

ensued concerning well depth and gravity system requirements. Commissioner Bauman stated concern over going against the recommendation of staff. Discussion ensued on the cost differences between Roevac and Airvac. Chairman Tobin requested a roll call vote, which was as follows:

Commissioner Bauman	No
Commissioner Beaty	Yes
Commissioner Brooks	Yes
Commissioner Wilkinson	Yes
Chairman Tobin	Yes

The motion was approved.

2. Approval of a Wastewater Treatment Process

See above.

3. Approval of the Haskell Company Change Order

The item was deferred to the next meeting.

G. General Manager's Report

There was no report given.

H. Legal Counsel's Report

There was no report given.

I. Engineer's Report

There was no report given.

J. Commissioner's Items

There were no commissioner's items to consider.

K. Meeting Adjournment

A MOTION TO ADJOURN WAS MADE BY THE CHAIR AT 8:37 P.M.