

MINUTES  
Key Largo Wastewater Treatment District (KLWTD)  
Board of Commisisoners Meeting



AUGUST 17, 2005  
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on August 17, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin who arrived at 5:05 PM. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other apporperate District Staff.

The Pledge of Allegiance was led by Chaiman Brooks.

***Approval of the Agenda***

Commissioner Bauman requested that the Commissioner's Roundtable be removed from the agenda due to the lack of back up material and lack of time to research the subject.

The agenda was approved with the following changes. Rule Change Order No. 12 will be discussed with Resolution No. 07-07-05 and Resolution No. 07-07-05 will be opened for disussion. Items 5, Minutes of July 13, 2005, 7, Pending Payments List, 8, color camera for Lateral Inspections, and 9, auto CAD software were placed on the Bulk Agenda. The proposal for the Assesment Resolution was added for discussion.

***Public Committ***

The following persons addressed the Board: George Scott, Tavernier. Mr. Scott requested that the District pay \$1050.00 to cover the last months rents on the offices that were rented from him.

***Commissioner's Roundtable***

Commissioner Tobin stated that he would like the Board to consider giving the General Manager, Charles F. Fishburn a raise. Commissioner Tobin stated that Mr. Fishburn lives and breathes the District's business.

Commissioner Patton stated that the entire staff should be considered for compensation and reviewed as a matter of routine. He has concerns over the future financing of the connection cost.

Commissioner Bullock stated that he is in favor of Mr. Fishburn's raise. He also has concerns over the future financing of the connection cost. Commissioner Bullock would like to have the Board do a performance review of Mr. Fishburn.

Chairman Brooks commented that the email that was sent out regarding the raise was inappropriate. It put him a situation as the Chair trying to bring things before the public first before anything else, not just necessarily staff. Chairman Brooks stated that he had consulted the District Counsel and that if in the future if someone has something that they want to bring to the Board that they should not just bring it to the Board but it should be publicly produced no matter what the subject is so that it can be properly put on the agenda. The public can then respond to the item at the public meeting at which it will be discussed.

### **Commissioner's Items**

#### *Policy concerning consent agenda.*

Commissioner Tobin recommended that this item be moved over to the parliamentary procedure discussion.

#### *Policy on employee performance review*

Commissioner Bauman would like to see a narrative performance review. A paragraph should be written on each item not just good, bad, etc.

Commissioner Bullock explained checking boxes serve as a guide and then a short narrative should be written.

Commissioner Patton stated that the forms from the FKAA are adequate and serve as a good guideline. Any form should be based on the performance of the employee.

Commissioner Tobin would like to have Commissioner Bauman and General Manager Charles Fishburn agree on a form and present it to the Board.

Chairman Brooks stated that what has been given to the Board so far is inadequate and that several alternatives should have been furnished. He stated that he thinks the most effective method is to have the employee do their own. Then the Manager does his own review of the employee. The review needs to be task oriented.

District Counsel Thomas Dillon cautioned the Board that the Sunshine Law requires that evaluations be done in public, rather than circulating them by email as suggested by Commissioner Bullock.

Commissioner Tobin would like to see one member and the Manager working on one form to bring back to the Board for employee evaluation.

The Board directed that Commissioner Bauman and General Manager Charles Fishburn work together and bring back a review process to the Board.

*Key Largo Park Sign*

Commissioner Bauman stated that he feels that four signs are overkill and they are cluttering the highway. Commissioner Bauman called the code enforcement department and was told that the signs are not suppose to be anchored in the ground. Commissioner Bauman made a motion to remove the sign but there was no second.

General Manager Charles Fishburn explained that each sign cost \$700.00 Chairman Brooks explained that the Board approved the signs for the projects and then the Board decided to have the logo placed on everything from the District so the design was changed to include the logo. Financial Officer Martin Waits explained that there is a requirement from the grants that require a sign.

Commissioner Bullock stated that he has never worked on a project that involved public monies that did not have a sign showing the source of funding.

Commissioner Patton said that he has no problem with the signs and that the public should be informed of the projects.

Commissioner Tobin recommended taking down the sign across from the Publix store. He asked staff to inform the Board before another sign is put up.

Chairman Brooks pointed out that the Board should consider the amount of back up they would want with a discussion item at some point in the future. He had no idea of what the subject would be concerning the signs.

Commissioner Bauman questioned the Round Table item that does not require backup in advance.

Chairman Brooks explained that the purpose of the Round Table is for the Commissioners to express themselves about something without having to put it on the agenda. It is to let the Commissioners communicate back and forth under the Sunshine Law.

Commissioner Bauman asked why that cannot be done under the Commissioner Items and he asked District Counsel Thomas Dillon for his opinion of what Robert's Rules say about the open discussion items without an agenda and the ability to have public comment. Mr. Dillon stated that he understands that Robert's Rules does not contemplate any of the discussions that the Board is waiving Robert's Rules when there is a discussion without a motion on the table. That is what the Board does when it approves and agenda with a Commissioners Round Table on it.

Commissioner Bauman asked that if a Boardmember is planning on putting and item on the Round Table that they email him in advance so he is better prepared.

***Bulk Agenda Items***

**Motion:** Commissioner Tobin made a motion to approve the Bulk Agenda that consist of Items 5, Minutes of July 13, 2005, 7, Pending Payments List, 8, color camera for Lateral Inspections, and 9, auto CAD software. Commissioner Patton seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

**Action Items**

*Resolution 07-07-05*

Commissioner Tobin requested that limited discussion be allowed before a motion is made.

**Motion:** Commissioner Patton made a motion to approve Resolution 07-07-05. Commissioner Bullock seconded the motion.

Commissioner Patton recommend that the Whereas

Certain members of the KLWTD Board have continued to dissent on their own vote in accepting RONR on November 19, 2002. The dissenting commissioners with their disruptive, dilatory and non-germane dialogue have caused ambiguity, ambivalence and confusion as to the KLWTD Board's policies & directions. This constant dissenting has caused unnecessary prolonged delays in the districts progress

be deleted. He asked which version of Robert's Rules of Order is being considered. Chairman Brooks said that it is the newly revised edition (the latest reversion). It is the one that is most recognized through out the world.

Commissioner Tobin stated that first of all he does not want to adopt an edition of Robert's Rules that he has not seen or read. Secondly he recommended that the Board adopt Robert's Rules of Order as supplemented by the local rules that the attorney has prepared for the Board. The third thing that he would like to suggest is that the maker of the motion amend the motion to adopt the Robert's Rules of Order as supplemented by the local rules that the District Counsel has prepared for the Board. Commissioner Tobin stated that he does not want to adopt a version that does not give the Board the flexibility of adopting informal procedures.

Commissioner Bauman agreed with Commissioner Tobin. He would like a condensed version of Robert's Rules of Order.

**Commissioner Patton withdrew his motion to approve Resolution 07-07-05. Commissioner Bullock seconded the motion.**

**Commissioner Tobin made a motion to adopt the District Counsel's rules.**

Chairman Brooks stated that the Preliminary Draft Capital Budget for FY 2006 needs to be covered at the current nights meeting before anything else.

**Action Items**

*Contract for FY 2005 Audit Services*

Financial Officer Martin Waits reviewed the contract with Grau for audit services.

**Motion: Commissioner Bauman made a motion to approve the 2005 Audit contract with Grau and Company. Commissioner Tobin seconded the motion.**

Commissioner Bullock requested that staff try and get a one million dollar liability policy from the company; if that is not possible then he would agree to go with what is offered.

District Counsel Thomas Dillon said that the amount required in the insurance clause should be the minimum but if the consultant has more insurance then the District gets the benefit of it. He will change to contract to say that.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

**Discussion Items**

*Preliminary Draft Capital Budget FY 2006*

Financial Officer Martin Waits presented the draft budget.

Commissioner Bullock requested that the Southern Component be included in the five-year plan. Mr. Waits said that he could include it for the Board's information.

*Preliminary Draft Operating Budget FY 2006*

Financial Officer Martin Waits presented the draft budget.

Commissioner Tobin stated that he thinks that a 5% factor for the merit raises is appropriate but he would like to propose a 10% raise for Mr. Fishburn. He would like to see it in the budget.

Commissioner Bauman stated that the merit pool should be increased by 5% more to include Mr. Fishburn's increase and then leave everyone else with 5%.

Commissioner Bullock stated that the merit pool should be increased to a lump sum of \$25,000.

Commissioner Bauman requested that a line be added to the budget that would reflect the future staff through 2010.

The Board instructed staff to remove the retirement benefit from the 2006 budget but the health insurance is to be left in the budget.

#### *Assessment Resolution*

District Counsel Thomas Dillon discussed the wording in the Assessment Resolution that says the property owner is waiving wastewater service for the parcel and that if at a latter time service is requested for the parcel the assessment will have to be paid. If the property is subdivided at a latter date the District needs to be able to recover the appropriate cost. He asked for guidance from the Board on their feelings concerning charging the property owners the minimum and adjusting it for inflation every year and put in the actual cost of the connection. He does not want this to be looked upon as a penalty. It needs to be fair and easy to calculate.

Commissioner Tobin would like to see \$4770 plus interest at the Statutory Rate or current cost.

Commissioner Patton thinks that the property owner should pay the \$4770 and if the system has to be extended after the fact they should have to pay what it actually cost.

Commissioner Bullock would like a document signed by the current owner that says the next owner must comply.

Mr. Dillon stated that he will go with a higher rate of interest.

#### **Status Reports**

##### *Monthly Report*

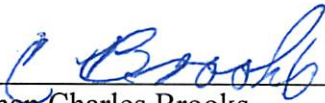
Mr. Castle gave a verbal report on the Key Largo Trailer Village and stated that the project is almost completed.

The vacuum station equipment came in at the Treatment Plant site.

#### **Adjournment**

The KLWTD Board adjourned the meeting at 9:00 PM.

The KLWTD meeting minutes of Aug. 17, 2005 were approved on September 21, 2005.

  
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Chairman Charles Brooks

  
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Carol Walker, CMC  
Board Clerk