

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



January 18, 2006
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on January 18, 2006 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Bauman.

Approval of the Agenda

The agenda was approved with the following changes; the General Manager's Employment contract was moved to the beginning of the agenda. Chairman Patton requested that an item concerning the Letter to the Editor, by Commissioner Brooks be added for discussion, Mr. Dillon requested an item on the Lien Legislation and one on the Area of Critical State Concern be added under Legal. Mr. Fishburn requested that an item dealing with a reinspection fee be added.

MOTION: Commissioner Bauman made a motion to approve the agenda as amended. Commissioner Tobin seconded the motion.

Vote on motion

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

Motion passed 5 to 0

Public Comment

The following persons addressed the Commission: Mr. Richardson, 35 Orange Drive, who requested clarification on the KLTV, KLP and Plant projects. Hal Heim, Key Largo asked if the District is financed to handle its responsibilities. Chairman Patton stated that the District is.

SEE ATTACHED MINUTES FOR
General Manager's Employment Contract
AND
Commissioner's Items

EXCERPT OF PROCEEDINGS

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3 CHAIRMAN PATTON: General Manager Report, Item No.
4 K-12. That is the general new employment agreement for
5 the general manager, and we have Commissioner Brooks
6 that has some opinions about this, and I would like --
7 do you want to lead off, Commissioner Brooks? You have
8 five minutes on your first round, and then we'll go
9 from there.

10 COMMISSIONER BROOKS: Well, I think my letter was
11 self-explanatory. Along with the letter you've all
12 been given a petition that I started to circulate with
13 a few groups. I didn't pursue this too big.

14 And I did pick up on a comment here about
15 commissioners expecting the hall to be crowded tonight.
16 One of the things I got thinking about as far as
17 getting a crowd in here, we don't have the seating for
18 them. And most of the people I deal with on a day-to-
19 day basis are rather elderly, and so I got to thinking,
20 if we got 50 people in here we've only got 20 chairs.

21 But nonetheless, as normal response as far as
22 people coming in have been small or non-existent here
23 tonight. But that doesn't mean my letter and my
24 petition didn't solve or answer the question I went
25 after from the last meeting when Mr. Fishburn proposed

1 his salary increase. And that was listening to the
2 Board and leaving here with apparently, at least a
3 majority of the Board was willing to grant Mr. Fishburn
4 a \$20,000 increase. And I needed to go to the people.
5 That's who I work for. I work for the people. I don't
6 work for the other Board Members here, and I don't work
7 for the staff. And my responsibility is to them. And
8 with this type of salary increase, it's something that
9 I had to go and get their input.

10 I have been receiving input continuously right up
11 to about 15 minutes ago when I had a couple say come
12 over, I want to sign your petition. They heard about
13 it in the Civic Club but they didn't have a key to get
14 there.

15 And anybody I've talked to, and which is also
16 surprising, not only the amount of the salary request,
17 but the fact that Mr. Fishburn is not interested in
18 following through with his commitment until May 31.
19 That's what seems to bother a lot of people.

20 The last person that signed one of these petitions
21 you have in front of you, of which there's 77
22 signatures here, that was his main point, that Mr.
23 Fishburn made a commitment to go to May 31st at the
24 salary that he's at.

25 Notably as I approached a couple of groups is that

1 nobody refused to sign, and where presented in a group,
2 everyone present signed. So, and anybody I've talked
3 to response to this is shocked at the amount of the
4 salary increase.

5 On top of that -- who's keeping time here? You
6 are?

7 MS. WALKER: You have a minute and 33 seconds.

8 COMMISSIONER BROOKS: Okay. On top of that, the
9 district just approved a budget, and --

10 COMMISSIONER TOBIN: Point of Order. Charlie is
11 the proponent of this, and I really don't want to limit
12 him to five minutes. If he's got a prepared statement
13 of reasons, I think we ought to --

14 CHAIRMAN PATTON: And he's got another five
15 minutes, but we did agree to set the agenda this way,
16 and it's the only way I can control this.

17 COMMISSIONER BROOKS: Well, I can go with that
18 because I'd like to hear from the other commissioners,
19 but I wouldn't want to limit it to two rounds. If we
20 had to go three, we'll go three.

21 CHAIRMAN PATTON: Well, we set the agenda. Unless
22 everybody's in agreement, we agreed to that a moment
23 ago, okay, and I would like to stay with that, because
24 that's an hour discussion on this one subject, an hour.
25 If we can't resolve this among ourselves in an hour,

1 you know, I mean I think that's plenty of time.

2 COMMISSIONER BROOKS: Well, I disagree, but if you
3 want to cut me off, go ahead and do it.

4 CHAIRMAN PATTON: I mean it's up to the Board's
5 pleasure. What --

6 COMMISSIONER BROOKS: Go ahead and do it.

7 COMMISSIONER BULLOCK: I don't think anybody's
8 going to change their mind on this issue.

9 CHAIRMAN PATTON: But an hour is appropriate?

10 COMMISSIONER BULLOCK: An hour's appropriate to do
11 just about anything, in my opinion.

12 CHAIRMAN PATTON: Yeah. Mr. Bullock? An hour?
13 Let's keep it to an hour, if we can.

14 COMMISSIONER BROOKS: How much more time do I
15 have?

16 MS. WALKER: A minute and 12 seconds. I stopped
17 it when you guys started.

18 COMMISSIONER BROOKS: You stopped it with that.
19 Okay. In doing some research on the Internet, we have
20 a Resolution 12-09 which was stated in the letter of
21 which we approved, and looking at the agenda request
22 form, the pool for salary adjustments has been reduced
23 from 25,000 to 16,750, and we, we increased to hire
24 the -- I keep -- since we changed the name, the
25 customer service clerk. But the Board has gone through

1 extensive deliberations to set a budget, and my letter
2 I think said that if we grant this salary increase, it
3 looks like, depending on what number you look at, that
4 we'll be paying Mr. Fishburn about 30 percent of the
5 total salary budget for the year 2006, and to me that's
6 just, just outlandish.

7 On the medical payments we also established that
8 the Board would not pay medical payments.

9 MS. WALKER: Time.

10 COMMISSIONER BROOKS: That's it?

11 CHAIRMAN PATTON: Mr. Tobin, if you'd like to
12 yield more time to him?

13 COMMISSIONER TOBIN: I would.

14 CHAIRMAN PATTON: Okay. You want to yield your
15 time to him?

16 COMMISSIONER TOBIN: I would.

17 CHAIRMAN PATTON: Five minutes. You have five
18 more minutes, Charlie.

19 COMMISSIONER BROOKS: All right. I think I've
20 covered those three points.

21 It's a matter of what the job is worth. The --
22 see what I did, I had some salaries I had pulled out
23 here, and it's interesting that Mr. Fishburn, on what I
24 have pulled out, he's at the median pay, median pay
25 right now, or a little bit above.

1 I happened, as we all do, okay, I happened to look
2 on the Aqueduct, and they're looking for a director of
3 engineering, salary 83 to 102,000. The location is in
4 Key West. The requirements are a PE, engineer, which
5 Mr. Fishburn does not have. It has a lot of skills in
6 here which apparently he would, he would not qualify
7 for. I have, I went through Yahoo Hot Jobs and -- now,
8 keep in mind, folks, I'm trying to keep the
9 qualifications and so forth within what we may think
10 this is, and the salary would start from 88,000 to 106.
11 Median was 94, and that's with Yahoo, and that again I
12 believe is a, that's a field engineer; two jobs
13 available.

14 And going to Miami/Dade College who's looking for
15 a full time employee, relevant work experience five to
16 seven years, which incidentally Mr. Fishburn comes from
17 the auto industry, and he doesn't have the experience
18 in the wastewater industry. Top salary there is
19 77,000. And some extensive job requirements that I
20 don't see where Mr. Fishburn qualified.

21 I'll submit these to the Board.

22 Here's one from 53 to 69, and that's a Bachelor's
23 degree, which might be equivalent to Mr. Fishburn's
24 engineering degree, but the salary, the top salary
25 there, and that's an executive vice president, and it's

1 a government job.

2 Okay. I'm looking at another one, salary range 40
3 to 96. So on a matter of what, what's the job worth, I
4 don't think -- oh, okay. Now, on performances, and it
5 was discussed today at the BOCC when Willie's raise
6 came up, was a matter we don't know what performance
7 is. I have Board members telling me he's doing a good
8 job. I may not have that same opinion. He may be
9 doing a good job in some areas, but not in other areas,
10 as I had mentioned. He's not bringing things to the
11 Board to give us, good things to base our decisions on,
12 and that's his job.

13 On two occasions recently Mr. Tobin and Mr. Bauman
14 requested before I vote on this bring me a
15 comprehensive review. Give me other options. And that
16 has not been coming from the manager.

17 Am I still going on time?

18 MS. WALKER: Minute 27 seconds.

19 COMMISSIONER BROOKS: Left?

20 MS. WALKER: Yes.

21 COMMISSIONER BROOKS: Your five minutes is longer
22 than mine. Okay.

23 COMMISSIONER TOBIN: It's called a lawyer's five
24 minutes, Charlie.

25 COMMISSIONER BROOKS: Okay. I had mentioned some

1 time back when I was chairman about nine items I had
2 wished on a particular item Mr. Fishburn brought us.
3 He took six months to, to prepare a work order which
4 constituted --

5 MS. WALKER: One minute.

6 COMMISSIONER BROOKS: -- when we finally -- what?

7 MS. WALKER: One minute.

8 COMMISSIONER BROOKS: We finally got the work
9 orders, and it took three sessions before we got a work
10 order we could pass. Actually it was two work orders.
11 It was the CPH and the Arcadis work order. We also got
12 the same thing in the letter, and I didn't, I really
13 don't want to go into performance on this. I'd like to
14 really bring this down to the merits of whether the
15 raise is appropriate now.

16 So from my point of view, I believe the, my fellow
17 commissioners should, we should get together, like they
18 said at the BOCC, work out a workshop with the manager
19 between the Board Members where we can openly discuss
20 in a free-for-all, and see if we can get down to some--

21 MS. WALKER: Time.

22 COMMISSIONER BROOKS: -- consensus as to what the
23 job requirements are, the performance is, and what the
24 salary should be for that performance.

25 CHAIRMAN PATTON: Commissioner Bullock or who

1 wants to go first? Commissioner Bullock.

2 COMMISSIONER BULLOCK: I'm a strong proponent of
3 trying to stay within budget, and with that in mind, I
4 think the possible -- not the possi -- but that the
5 amount of the request does not fall within the budget,
6 I think it would be up to the Board to make another
7 decision if we want to increase the budget in that
8 specific area. But I don't think just to go and
9 arbitrarily make that decision tonight to go ahead and
10 give him a 20 percent increase is in line with my
11 thinking at this point.

12 I'm inclined to think that the postponement would
13 be more in line at this point than moving ahead on it
14 tonight. Unless there's something that we're not aware
15 of that is in the background with respect to some
16 possible future employment on the part of Mr. Fishburn.

17 I don't know what his, whether there's something
18 out there that's driving the urgency on his part to do
19 this now, approximately three months in advance, other
20 than some times it takes us a month or so to get
21 something through. So that would be my basic comment
22 on it at this point.

23 I don't know that tonight, unless -- until I hear
24 the rest of the story I'm prepared to make a commitment
25 one way or the other.

1 I'm not going to -- I'll give that time to Charlie
2 or somebody else if they need it, the rest of my time
3 on this first go-round.

4 CHAIRMAN PATTON: What did he have left?

5 MS. WALKER: Three minutes and 23 seconds.

6 COMMISSIONER BAUMAN: Point of order.

7 CHAIRMAN PATTON: Yes.

8 COMMISSIONER BAUMAN: We discussed this pretty
9 extensively at the last meeting. It was kind of a
10 round robin sort of thing. Andy was not at the last
11 meeting.

12 CHAIRMAN PATTON: Right.

13 COMMISSIONER BAUMAN: So we haven't heard what
14 Andy has to say about this yet, so I'd like to give
15 those three minutes or whatever you can give him so he
16 can, he can get his say on it. I know what Charlie
17 feels, I know how the rest of the Board feels. I don't
18 know how Andy feels.

19 COMMISSIONER TOBIN: Well, I, I think that Chuck
20 has done a good job and he deserves a raise. Whether
21 or not it starts next month or the month after or June
22 1st I think is, you know, not that important. I've
23 been, and I think this Board has a history of
24 deliberating things, and re-deliberating, and trying to
25 figure things out. And I don't think that's a

1 negative. I think that the more time we spend on
2 things the better our decisions are.

3 So, and I also don't like cutting people's time
4 off. If somebody wants to talk for an hour on a
5 subject, that's fine because it helps me to I think
6 make a better decision. And that's with all due
7 respect to the Chair and --

8 CHAIRMAN PATTON: Well, I mean that's just what we
9 had agreed on, you know, to start with.

10 COMMISSIONER TOBIN: No, I understand, but --

11 CHAIRMAN PATTON: So I'm just trying to keep order
12 and not have a free-for-all here.

13 COMMISSIONER TOBIN: I know what it's like --

14 CHAIRMAN PATTON: You know what the intent is.

15 COMMISSIONER TOBIN: I know what it's like to be
16 the chairman.

17 CHAIRMAN PATTON: You know what the intent is.
18 Okay. We all decide to extend it to another round, a
19 third round, so be it.

20 COMMISSIONER TOBIN: Okay. So I would like to
21 give Chuck a raise. I think he's done a good job. I
22 think we hired him at a slightly below, below market,
23 and I think he does more than just a general manager's
24 job. I think he does a general manager, I think the
25 construction management, the current project, the next

1 project, the rates, I mean he wears a lot of different
2 hats. And I would agree with Charlie, he's not
3 perfect.

4 So, you know, if nobody's comfortable in moving
5 forward immediately tonight and wants to go into some,
6 you know, one-on-one negotiations, or have a workshop,
7 I can live with that, or if it's the will of the Board
8 to set a number tonight we can do that too.

9 We sort of just picked this number out of, out of
10 thin air, and, you know, well, those are my thoughts.

11 CHAIRMAN PATTON: Gary.

12 COMMISSIONER BAUMAN: Okay. I want to offer a
13 compromise because I think he's done a good job too. I
14 think he deserves an increase, but I think Charlie
15 brought up a lot of good points. And so here's my
16 compromise.

17 That we drop the 500 a month health care until
18 we've got a comprehensive health care plan in place for
19 all of our employees that we vote on and accept; that
20 we approve it but have it start on June 1st, and have
21 the contract for two years; a 10-K boost this year and
22 a 10-K boost next year. That will get you to 112 over
23 a two-year period. And I think that, I think that does
24 what the Board wants, which is keep you around, make
25 sure you're properly paid, but at the same time don't

1 bust the budget all in one year. And hopefully we can
2 get some consensus on some sort of compromise.

3 You know, everybody knows how I feel. I think you
4 should get the raise when the first project is done and
5 working, and that's going to be clearly by June 1st.

6 CHAIRMAN PATTON: No other comment?

7 COMMISSIONER BAUMAN: I'm complete.

8 CHAIRMAN PATTON: Okay. And I will follow up. My
9 issue here is I think we're going about this all wrong.
10 I think Charlie's letter was rather myopic and only
11 focused on one issue, and that was -- and measured the
12 performance of the manager in the wrong way, and
13 basically dealt with it rather in the wrong direction.

14 And this is my point. There was one number in his
15 letter that was not mentioned, and that is basically
16 this --

17 COMMISSIONER TOBIN: Watch the top, Glenn.

18 CHAIRMAN PATTON: Most important number is \$11,000
19 per EDU. If I thought Mr. Fishburn would increase the
20 cost to every taxpayer in this -- with this raise would
21 increase the taxpayer, cost to each taxpayer in this
22 county by one penny I wouldn't vote for it. Okay. If
23 you take his raise and add his raise and divide it by
24 the number of EDUs in this county, basically you get
25 \$1.63 increase. Would be \$11,101.63. Okay. The goal

1 of Mr. Fishburn, okay, and based upon his performance
2 just in the engineering phase of what we just went
3 through with CPH, Arcadis and MWH and everything, and--
4 is this.

5 Okay. The facilities plan first proposed at
6 \$350,000 went to Wyler. He saved basically \$208,000.
7 The engineering collection system was first proposed at
8 \$916,000. It came in at 694. Basically a savings of
9 \$221,000.

10 The engineering first proposal for the
11 transmission line came in at 249. Mr. Fishburn,
12 because he looked at every line item on the thing,
13 brought it down to \$197,000. A savings of \$52,000.
14 Okay. The treatment plant, \$794,000. He came in at
15 762, a savings of \$52,000. A total savings just in
16 this, and I re-did these numbers, of almost a half a
17 million dollars that Mr. Fishburn has saved this, this
18 district.

19 His objective, his objective and his goal is to
20 bring basically the EDU costs closer to \$10,000 per
21 EDU. Mr. Fishburn has saved this county, this district
22 more money than, than his salary times five in one
23 year, as far as I'm concerned. Okay. So I think he's
24 worth every penny he's asking for, okay, and he has
25 done so many other things.

1 He's led the charge to the design/build,
2 bid/build, okay. He's negotiated things line by line,
3 and saved the district a ton of money. He's worked 60
4 hours a week. He was here on Monday which is a
5 government holiday. He has set a high standard. He
6 has his heart and soul in this job. The district is
7 well-served by his super dedication to this district.

8 Also, this Board made a decision in I think it's
9 December '03 to go to USBF, okay, a decision that they
10 went to and against the advice of Mr. Fishburn and
11 everybody else that was in engineering staff on the
12 Board at the time, and that has wound up -- and, by the
13 way, Charles Brooks led the charge basically to USBF.
14 That wound up costing a claim from Haskell of \$300,000.
15 So if anybody's cost this district money, it's not Mr.
16 Fishburn per EDU.

17 The cost, the money that Mr. Fishburn has saved
18 and reduced in cost per EDU is what we have to keep our
19 eye on. This is our goal. This is the important
20 number, not \$22,000 that Mr. Fishburn may get.

21 MS. WALKER: One minute.

22 CHAIRMAN PATTON: Okay. And it's paramount for us
23 to keep good employees here and have them have
24 longevity so we have the highest and best quality.
25 This is the best district in the county in putting

1 wastewater systems together, and moving forward for the
2 benefit of the taxpayers. And I think it's very petty,
3 small-minded, and if you can't see the trees for the
4 forest, as far as looking at this as a budget-buster --
5 and by the way, I'll have Marty report, it is not a
6 budget buster, it is within budget. I have an e-mail
7 to that effect.

8 Okay. And he is more than just an engineer. He's
9 a district manager. He is comparable to Reynolds on
10 the FKAA, and Reynolds makes 150 grand a year, or close
11 to it, with fringe. Well, I don't even know if it's
12 with fringe, but you have to look at the numbers that
13 Charles just gave you. Mr. Fishburn's not getting any
14 fringe. And most employment jobs, you have to add 30
15 percent for fringe. And he's not getting any of that--
16 well, 25 percent.

17 And I'll sum this up a little bit more on my next
18 round.

19 COMMISSIONER TOBIN: I'm going to yield some more
20 of my time. You're on a roll.

21 CHAIRMAN PATTON: Okay. Well, no I basically at
22 this point I would like Charles to have his say at this
23 point, and I'll finish up after the second round.

24 COMMISSIONER BROOKS: Well, first of all, I have
25 tried to keep personalities out of here, and I object

1 I'm suggesting that what we do between now and the
2 31st is that we perhaps hire a consultant because I
3 have some misgivings about how we're managing our labor
4 force, and whether we're, we're using people in this
5 organization, they have qualifications and we're using
6 them in clerical positions. And I think that's a
7 mismanagement of the labor force.

8 What I have gone through -- when Mr. Fishburn came
9 on I took him all over this county to try to help him
10 get involved with the people that I have been involved
11 with over the time period. What concerned me was when,
12 when Mr. Fishburn made his presentations, and I told
13 this way back, stop using "I," you're representing the
14 Board. And that's the one thing I have a problem with,
15 with the personality as I said I didn't want to get
16 into performance.

17 And if you're going to take action, let's see how
18 we go on this now because I have some technical issues
19 I would like to point out, if you're going to take
20 actions on this proposal as (unintelligible) today.

21 If I may reserve that, Mr. Chairman?

22 CHAIRMAN PATTON: Sure.

23 Mr. Tobin.

24 COMMISSIONER TOBIN: I have nothing further to say
25 right now.

1 strongly to you, because it wasn't just me, this Board,
2 Mr. Chairman, did select USBF at a particular time, and
3 it was backed up with science.

4 CHAIRMAN PATTON: We'll get into that at length,
5 I'm sure, in a little bit.

6 COMMISSIONER BROOKS: I don't know why we would
7 get into that at this point because it has nothing to
8 do with this raise thing.

9 The -- my suggestion for a remedy in this
10 situation is that we take no action on the existing
11 contract until May 31st, that we, the Board establish a
12 criteria of performance including timeline dates for
13 accomplishing tasks. The Board has never had that.
14 The Board has asked for it repeatedly. Task the
15 manager with limited time for him to produce to the
16 Board comprehensive overall district plan.

17 Commissioner Patton, at one time when you were a
18 new commissioner you said we need a plan. We have not
19 seen one presented to this Board. We have been getting
20 what I call copy and paste piecemeal direction, at
21 least to the Board. This does not negate to what Mr.
22 Fishburn does with the contractors. But as far as
23 giving the Board the necessary information to make an
24 intelligent decision efficiently has not been provided
25 to this Board.

1 CHAIRMAN PATTON: Claude.

2 COMMISSIONER BULLOCK: I have a strong respect for
3 Mr. Fishburn --

4 (Tape 1, Side A ends. Side B continues as
5 follows:)

6 COMMISSIONER BULLOCK: -- in the form of an
7 increase. I'll go along with the majority of the Board
8 with respect to what they think is the fair amount. I
9 don't know that -- I'm not opposed to making a decision
10 tonight, and I can make a decision tonight. I just
11 hope that it would be one that he would be content with
12 as well, and of course we don't have his response at
13 this point.

14 CHAIRMAN PATTON: Well, what I plan to do is after
15 the, after the -- before the motion is made I'd like
16 Mr. Fishburn to talk to the Board and get his final
17 input.

18 COMMISSIONER BULLOCK: Okay.

19 CHAIRMAN PATTON: After -- before we make a
20 motion. Okay?

21 COMMISSIONER BULLOCK: Okay. Because that's,
22 that's one concern I have, and as I raised earlier,
23 whether or not there's something driving this in the
24 background that we're not aware of.

25 CHAIRMAN PATTON: Right. I very much plan to have

1 Mr. Fishburn make a presentation of what his desires
2 are and his final input before we make a motion.

3 COMMISSIONER BULLOCK: I think that in the area of
4 trying to justify the net worth of an individual in a
5 position becomes more of an overall big picture
6 performance issue as, along the lines of what you
7 presented.

8 Now, I think somewhere I picked up a piece of
9 paper that said he replaced two people, and that he's
10 doing the job that two people besides himself were
11 doing before. Timewise I would question the statement,
12 but on the other hand, the knowledge and experience of
13 having the capability to cover those areas to some
14 degree of reliability has, at least in my mind, shown
15 me that Mr. Fishburn is pretty good at handling what he
16 says he can do.

17 And from that standpoint he's got a tough job on
18 his hands. We're in the start-up. He's being a
19 construction manager, and a construction manager of
20 \$140 million projects are not people that are being
21 paid \$90,000 a year to manage a project on that nature.

22 But in addition to that, he's having to staff and
23 bring along with him a staff, an attorney, and put
24 together things that we request of him in addition to
25 all of these duties as a construction manager of \$140

1 million project. So from that standpoint he's
2 underpaid. He was underpaid from the day we hired him,
3 from that point of view. He took the job, he's doing
4 the job for us, I think, and I guess that's about what
5 I have to say on it.

6 COMMISSIONER TOBIN: I do have a comment if I
7 could, if I haven't lost my turn.

8 COMMISSIONER BAUMAN: I yield.

9 COMMISSIONER BULLOCK: I yield.

10 COMMISSIONER TOBIN: Are you through?

11 COMMISSIONER BULLOCK: I'm through.

12 COMMISSIONER TOBIN: Okay. All right. I've had
13 my fair share of disagreements with Charlie, but I have
14 always, you know, respected his dedication, and I am
15 always interested in other points of view. And it's
16 not easy to sit up here and to tell an employee or all
17 the employees that, you know, you're not going to give
18 them a raise or you're not going to give them benefits.
19 It's a tough responsibility to have to do this in the
20 public.

21 So -- and I don't want to lose sight of the fact
22 that we all, you know, are trying to do the right
23 thing, not only for the district employees, but for the
24 public at large that's, you know, was getting free
25 wastewater service with septic tanks and now has to pay

1 he needs to understand at least the position of the
2 Board and the public.

3 So that would be my suggestion, that we delay this
4 one more, one more meeting and designate either Claude
5 or Gary to, you know, sit down and negotiate with him,
6 and come back and see if there's a mutual number.

7 Gary, you threw out -- you did the same thing that
8 Chuck did, you threw out a number, and, you know, that
9 may be acceptable. He may feel it's, it's not
10 acceptable, maybe it's an insult. But I don't, I don't
11 think that this forum is the best way to just throw out
12 numbers.

13 He threw out a number, we're throwing out a
14 number. I think there's a missing step which is a
15 negotiating process. So that's my suggestion.

16 CHAIRMAN PATTON: Gary.

17 COMMISSIONER BAUMAN: Let me just say again that
18 except for perhaps one commissioner there are four
19 commissioners that have all praised Mr. Fishburn's
20 performance. So that's not the issue. Okay? He's got
21 four votes that he's doing a very good job.

22 The question is, should we -- well, there are
23 several questions. Should we tear up his current
24 employment agreement early, should we bump him --
25 clearly we should -- and then how much to bump him.

1 a lot of money.

2 My only comment about the process that we're going
3 through is that, you know, Chuck proposed a number, and
4 we debated it, and I'm not so sure that that's the best
5 way to do it because he sort of picked the number that
6 he was comfortable with, and I can live with that
7 number. But I'm -- when we get an objection, it's time
8 to now put together a process that, you know, puts
9 rationale and sort of meat on the bones.

10 And I think when Claude first said, you know, I
11 think maybe we ought to defer this, and Gary -- I would
12 like to see some one-on-one negotiations with a Board
13 Member. I don't think it should be Charlie because I
14 think he's really staked out a position. And I'm
15 suggesting either Claude or Gary negotiate, come to an
16 understanding on where this number, why this number,
17 and why this number now.

18 Claude, you have experience with, with working for
19 Dade County, and Gary, you've got a lot of experience
20 in employee issues, and then come back to the Board at
21 the next meeting, and have a real short, you know,
22 here's what we talked about, here's what his position
23 is, here's what I said, and do it at the next meeting.
24 I just think we need a little bit more negotiating so
25 that we understand his position, and why, and I think

1 And those are the only three issues as far as I'm
2 concerned.

3 And Andy's suggestion that we get into some
4 negotiation with Chuck, maybe that will work. I'm a
5 little worried about it because if I was the one who
6 was doing it, and maybe Chuck and I came to some sort
7 of compromise, and I brought it back to the Board, and
8 the Board still didn't like it, this process could go
9 on forever and ever and ever. So that worries me.

10 But I'm willing to -- I suspect that Claude would
11 be willing too -- to sit down one-on-one with him and
12 see if there was a middle ground somewhere. And if
13 there is, to bring that back to the Board. So --

14 CHAIRMAN PATTON: And we can hear from the manager
15 tonight on those suggestions.

16 COMMISSIONER BAUMAN: Good

17 CHAIRMAN PATTON: He may have some suggestions to
18 that effect.

19 COMMISSIONER BAUMAN: Okay. I'm through.

20 CHAIRMAN PATTON: Okay. I have one other thing to
21 make the Board aware of. And this is, this is to me
22 paramount in this process, and that is to keep Mr.
23 Fishburn happy enough that he continues to crusade for
24 the swift implementation of this wastewater district
25 system. I think it's paramount.

1 that Charlie wants to manage Mr. Fishburn, micromanage
2 him, and like, for example, when he joined the Key
3 Largo Chamber of Commerce Charlie was very upset about
4 that.

5 I don't think that our manager should be
6 micromanaged and not given a full head of steam, let
7 him run with the issues, and basically I feel that it's
8 very, very important to have the manager implement the
9 Board's policy and get the job done within the Board's
10 policy. That's his job, is to implement. We set
11 policy, he implements.

12 And I cannot -- you know, the bottom line for me
13 is I have to vote considering what's in the best
14 interest of the taxpayers in this district. And
15 because I have that in my heart, and that is, you know,
16 paramount to me, I think paying him properly and making
17 him happy is going to save this district millions of
18 dollars. And it's going to save the taxpayers millions
19 of dollars in the long run.

20 So I, I, you know, as far as I'm concerned, the
21 bottom line, I don't think his request is unreasonable.
22 I think it's -- I'll talk to anybody, and I think I can
23 justify his increase, and the fact that he, you know,
24 he can get health care benefits and make him happy in
25 the long run.

1 To me it is urgent to move forward in an
2 aggressive manner to get the job done. Okay. To me it
3 is absolutely, there is an urgency to clean up the Keys
4 near shore water. As far as I'm concerned, the Keys
5 near shore waters is an environmental crisis. It's an
6 environmental disaster.

7 When you go back over there on those Key Largo
8 Trailer Village and Sexton Cove and some of those
9 places, there's not a fish anywhere around to be seen.
10 And I was over there when I was a kid, and it wasn't
11 that way. And it's because people are over there
12 pooping in the canals. It's basically what it boils
13 down to.

14 Don't quote me on that, please, Steve. Please.
15 Okay, don't quote me on that. That was off the record.
16 Okay?

17 But the bottom line is, you know, you know, as far
18 as I'm concerned, it is urgent. And I think everybody
19 in the community understands that now. And we need a
20 swift, you know, an aggressive manager that has his
21 heart and soul in this job. Not one that is
22 micromanaged.

23 When, when -- and I feel, you know, I mean Charlie
24 Brooks, I mean his dedication to this community in the
25 past and right now has been unquestioned. But I feel

1 I've worked with a lot of people on the fire
2 department and been in government for over 30 years,
3 and, you know, I've never seen a man as aggressive as
4 far as wanting to get the job done and doing as good a
5 job from -- in a quote, unquote, government job as Mr.
6 Fishburn. He's done an excellent job as far as I'm
7 concerned, and really has his heart in the right place.

8 And that is paramount. And voting for him I think
9 we will get and serve the district taxpayers well by
10 getting the best bang for the buck, as I said before.

11 So that's basically my comments. Without any
12 other discussion on this, I would like to hear from Mr.
13 Fishburn, and then Marty, if, about where we really
14 stand on the budget, as far as whether this is a budget
15 buster or not, and what that resolution actually said.

16 Without objection?

17 COMMISSIONER BROOKS: I may have some comment
18 about what you're doing, but I'm not sure what you're
19 doing right now, but I would like to hear from Mr.
20 Fishburn and Marty first.

21 CHAIRMAN PATTON: Yeah. Well, that's what my
22 intent was, to hear from them.

23 COMMISSIONER BROOKS: Okay.

24 CHAIRMAN PATTON: Mr. Fishburn, you have the
25 floor.

1 MR. FISHBURN: I'm reminded of the football
2 players and basketball players negotiating their
3 salaries right now at arbitration where when you go in
4 it's either you, it's the number you went in -- and
5 that's really what I feel, that at 92, stick with it,
6 the 106 today, if you want to go to June it's one
7 point. I believe take 30 percent on top of any of
8 those numbers, you take 120 and divide it by 1.3, which
9 is the 30 percent benefit package everybody else has in
10 this county, that's 92,000.

11 The other thing, there's two other candidates that
12 you interviewed that are still available. And I think
13 some of you would have enjoyed them at 60,000 or
14 70,000. They would have done exactly what you did, and
15 they would have hired Synagro to run the plant; they
16 would have continued design build, and I'd just show up
17 and cut the ribbon. And that's what you're going to
18 get, and have at it.

19 And like I said, like I said, I'm insulted, I'm
20 embarrassed. This kind of stuff undermines my
21 negotiations with the contractors and everybody else.
22 Everybody's embarrassed. I'm embarrassed by my current
23 salary.

24 When I -- one of the keys -- when I settled the
25 \$1.1 million lawsuit brought by Haskell against us for

1 \$300,000, they gave me their confidential lawyer's
2 notes to bring back to the Board, which they never
3 would have done if they thought I didn't speak for the
4 Board. In other words, because that would have hurt
5 them had they gone on to trial. In other words, if I'd
6 have come back, and it was 119,000, and you guys said,
7 no, Fishburn, it's 50,000, Haskell would have been
8 damaged because I literally have their, their package.
9 And that's the kind of stuff.

10 And it's the same with the contractors. If CPH
11 thought they could go to individual Board Members and
12 interrupt my negotiations or that I don't really speak
13 for the Board, you're not going to get the bottom line
14 number. And that's what your \$60,000 person will do,
15 is just, as we see it elsewhere in the county it's
16 919,000 that was low bidder, let's go. Bang, bang,
17 bang.

18 New design/build for sure. Lot less work. Why
19 not design/build/operate? I'm not even sure you'd need
20 me. Sit here in the office, sign the contract, send me
21 a monthly status report of what you're doing. And, you
22 know, no inspectors in the field, you know, look at the
23 pipes, the other pipes in the ground, you'll see it's
24 all caved in. It will be 20 years before you realize
25 what we've all done, that the INI (phonetic) -- Ocean

1 Reef's collection system is a piece of garbage.

2 Oh, by the way, Ocean Reef also is not even
3 repairing it. In other words, they don't even know
4 about it. Their Board doesn't know about it.

5 Like I said, you get what you pay for, and you may
6 find out soon. Thank you.

7 CHAIRMAN PATTON: Thank you. Do you have any
8 questions?

9 COMMISSIONER BROOKS: I have a question for him.
10 Did I hear you say that if, if the Board puts this
11 off until June the 1st your price is then 120? Is that
12 what I heard?

13 MR. FISHBURN: That's correct. Since you want to
14 hold it for two years, I'll hold that for two years
15 then.

16 COMMISSIONER BROOKS: Wait a minute, hold what for
17 two years?

18 MR. FISHBURN: The 120,000. My opinion I should
19 have gotten a raise last June.

20 COMMISSIONER BROOKS: All right. So in your
21 proposal that you put here, your original proposal at
22 the last meeting was for a one-year contract?

23 MR. FISHBURN: Yes.

24 COMMISSIONER BROOKS: And this proposal is for a
25 two-year contract?

1 MR. FISHBURN: That's right.

2 COMMISSIONER BROOKS: Is that correct? Okay.
3 And you're telling the Board at this point, if they
4 don't give you 106 now, that you're, when we come back
5 on the 31st of June for negotiation, you're requirement
6 will be 120,000; is that what you're saying?

7 MR. FISHBURN: If you do nothing tonight?

8 COMMISSIONER BROOKS: That's correct.

9 MR. FISHBURN: That would be my thought, yes.

10 COMMISSIONER BROOKS: Okay. And in your 106 that
11 you're proposing here, you also propose a \$500 medical
12 payment?

13 MR. FISHBURN: That's correct. We lost our number
14 one candidate for operator last week because of
15 benefits. How long do you think I can continue to
16 employ people without benefits?

17 COMMISSIONER BROOKS: Mr. Fishburn, I'm talking
18 about your situation. I'm not talking about your plant
19 manager, okay?

20 So are you also demanding the 106 now, plus the
21 500 at this point?

22 MR. FISHBURN: I'm not demanding anything. I'm
23 saying I, that's what I believe is fair.

24 COMMISSIONER BROOKS: Okay. But you are saying
25 that if we don't do anything tonight -- so my question,

1 let me rephrase it. My question would be, if we don't
2 do anything tonight, and we withhold the 500 for
3 medical premiums, what would be your demand -- well,
4 it's already 120 --

5 COMMISSIONER TOBIN: You know, I want to make a
6 point of order.

7 CHAIRMAN PATTON: Point of order.

8 COMMISSIONER TOBIN: This is exactly what I did
9 not want to get into. I really think that this --

10 CHAIRMAN PATTON: That's fine.

11 COMMISSIONER TOBIN: -- is so counter-productive.
12 It's just going to create a --

13 CHAIRMAN PATTON: Charlie, are you finished, Mr.
14 Brooks?

15 COMMISSIONER BROOKS: I really have one more
16 point, but let's go round a little bit.

17 CHAIRMAN PATTON: I have a question for the
18 manager. Or do you have any questions right now?

19 COMMISSIONER BAUMAN: No, except to reiterate.
20 You don't need to defend your performance to this
21 board. You're doing an outstanding job, damn it.

22 CHAIRMAN PATTON: Okay. One of the things that I
23 have for you in your package, Mr. Fishburn, is there --
24 and this is for two years, is there any raise in the
25 middle at this second year or is it --

1 MR. FISHBURN: No. No.

2 CHAIRMAN PATTON: -- 106 for both years?

3 MR. FISHBURN: Although, like I said, I'm too
4 candid, everybody else in this county with four-year
5 contracts --

6 CHAIRMAN PATTON: I understand that.

7 MR. FISHBURN: -- they're giving them a bump every
8 year.

9 CHAIRMAN PATTON: So that's basically 106 for both
10 years?

11 MR. FISHBURN: That's the way it stands, yes.

12 CHAIRMAN PATTON: To clarify that.

13 MR. FISHBURN: Yes.

14 CHAIRMAN PATTON: So -- and within the contract
15 though, if either party is unsatisfied, there's a 90-
16 day clause to terminate you, or if you get a better job
17 or better job offer, what is your obligation to us, is
18 it a two-week notice or --

19 MR. FISHBURN: 90-day notice.

20 CHAIRMAN PATTON: 90-day notice. That's what I
21 wanted clarified. Okay. And it is -- okay 106 for
22 both years?

23 MR. FISHBURN: Yes. Although I would like to be
24 reviewed in a year.

25 CHAIRMAN PATTON: And at that time considered for

1 a raise, is that --

2 MR. FISHBURN: Yes.

3 CHAIRMAN PATTON: Okay. Okay. But if -- okay. I
4 understand. But right now it is 106 for both years.
5 There's no escalation clauses within this contract,
6 right?

7 MR. WAITS: That's correct.

8 COMMISSIONER BULLOCK: And that would include the
9 medical?

10 CHAIRMAN PATTON: That would include the medical.

11 MR. FISHBURN: No, the medical is an additional
12 500.

13 CHAIRMAN PATTON: Yeah, the addition --

14 COMMISSIONER BULLOCK: No, I mean but your request
15 is plus --

16 CHAIRMAN PATTON: 106 plus \$500 a month for
17 medical which brings the total cost of the package to
18 112. Okay. Because it's basically 500 times 12 is
19 6,000. Add 6,000 to 106 gives you 112. Okay. Which
20 I'm very comfortable with. I know -- well, fire
21 department salaries are -- the chief makes more than
22 this. Okay. And so -- go ahead, Claude. Do you have
23 any other further question?

24 COMMISSIONER BULLOCK: No.

25 CHAIRMAN PATTON: Gary?

1 COMMISSIONER BAUMAN: Actually I'm, after we've
2 gone back and forth, I'm comfortable with it too now.

3 CHAIRMAN PATTON: Yeah. Marty, is it a budget
4 buster?

5 MR. WAITS: No.

6 CHAIRMAN PATTON: Your e-mail --

7 MR. WAITS: There's a discrepancy between what Mr.
8 Brooks -- chairman -- chairman -- Commissioner Brooks
9 did. This would only be in place for eight months of
10 the fiscal year.

11 CHAIRMAN PATTON: Right.

12 MR. WAITS: So there's only eight months of which
13 the salary will be bumped, and, therefore, it's not
14 20,000 in the whole year, for example, if there's a
15 \$20,000 increase. There's only a portion of that.
16 It's only two-thirds of that. And we have that
17 provided for in the merit increase area.

18 CHAIRMAN PATTON: Okay. And --

19 COMMISSIONER BROOKS: Merit increases to five
20 percent.

21 MR. WAITS: Merit increase for the whole budget is
22 \$16,750.

23 CHAIRMAN PATTON: But --

24 MR. WAITS: You take his requested increase and
25 only put it in for eight months, it's less than 16,750.

1 COMMISSIONER BROOKS: But it leaves nothing for
2 the other employees.

3 MR. WAITS: Well, there really wasn't anything
4 planned for any other employees because everybody else
5 was in at their current salary levels, so the only
6 anticipation I had when we put it together, the only
7 person that was going to be eligible for a raise was
8 going to be Chuck.

9 CHAIRMAN PATTON: And we just gave basically our
10 staff engineer on the job here basically approximately
11 a 20 percent in pay.

12 MR. WAITS: That was in the budget.

13 CHAIRMAN PATTON: That was in the budget as well.

14 MR. WAITS: Well, the way those employees come up,
15 they come up in September, which is --

16 CHAIRMAN PATTON: Right.

17 MR. WAITS: -- the beginning of the year.

18 CHAIRMAN PATTON: And we just did that, so we --

19 MR. WAITS: When we put them in, we didn't put
20 them in at a merit increase.

21 CHAIRMAN PATTON: It's in error to say that we
22 have a policy in this district only to give employees
23 five percent increases in pay when in fact not long ago
24 we gave a staff engineer a 20 percent increase in pay.

25 MR. WAITS: Yeah. I mean that's a management

1 situation that Chuck, you hope to take care of.

2 CHAIRMAN PATTON: Okay. With that said, is there
3 any other questions of staff?

4 At this point, as I said earlier, this is an
5 action item, and I will entertain a motion to take
6 action tonight. Does anybody have a motion on the
7 floor?

8 COMMISSIONER BAUMAN: I'll move.

9 CHAIRMAN PATTON: Second, I need a second.

10 COMMISSIONER TOBIN: I'll second it.

11 COMMISSIONER BROOKS: What is the motion?

12 CHAIRMAN PATTON: The motion is to approve the
13 manager's request as written.

14 COMMISSIONER BROOKS: As written?

15 CHAIRMAN PATTON: As written.

16 COMMISSIONER BROOKS: Okay. And that includes the
17 contract?

18 CHAIRMAN PATTON: That includes the contract.

19 Is that the motion?

20 COMMISSIONER BAUMAN: Yes.

21 CHAIRMAN PATTON: Yes.

22 COMMISSIONER BULLOCK: And the contract time line?

23 CHAIRMAN PATTON: Two years.

24 COMMISSIONER BULLOCK: Two years from tonight?

25 MR. WAITS: February 1st.

1 CHAIRMAN PATTON: February 1st.

2 COMMISSIONER BROOKS: Okay. And we're talking
3 about the contract that's in his proposal; is that
4 correct?

5 MR. DILLON: Yes.

6 COMMISSIONER BROOKS: All right. That's
7 Attachment A?

8 MR. DILLON: No, the contract is three different
9 exhibits. It's one contract plus Attachment A, plus
10 Attachment B.

11 COMMISSIONER BROOKS: Right. Attachment A is, is,
12 is the employee contract; is that correct?

13 MR. DILLON: No. The contract consists of three
14 parts. The contract document, Attachment A and
15 Attachment B.

16 COMMISSIONER BROOKS: I have an Attachment A here,
17 employment contract.

18 MR. DILLON: All right. You have a contract that
19 said, a document that says Employee Contract. That's
20 it.

21 COMMISSIONER BROOKS: Employee Contract.

22 COMMISSIONER TOBIN: Attachment A and Attachment
23 B.

24 COMMISSIONER BROOKS: And it says see employment--
25 see provisions of employment, Attachment A. Is that

1 correct?

2 MR. DILLON: Right, that's part of the contract.

3 COMMISSIONER BROOKS: Okay. So what you have in
4 Attachment A is a controlling factor within the
5 contract; is that correct?

6 MR. DILLON: Contract is one unit, it's all one
7 document. It's three parts.

8 COMMISSIONER BROOKS: Okay. So that's what I can
9 assume. Okay. Let's go to Page 3, and I'm assuming
10 the motion is to include the 500 medical payment; is
11 that correct? Is that what --

12 COMMISSIONER BAUMAN: I made the motion, and yes,
13 the motion does include that.

14 COMMISSIONER BROOKS: All right. If you'll look
15 at the top of Page 3, it's --

16 MS. WALKER: Commissioner Brooks, can I ask the
17 Chair, is this discussion after the motion now, are you
18 going around?

19 CHAIRMAN PATTON: Yeah. I don't want to limit it
20 to time. I think we can get done with this fairly
21 quickly. I think the only person that has any
22 questions is Mr. Brooks at this point.

23 COMMISSIONER BROOKS: Okay. Item 6 on the bottom
24 of Page 2, employee understands and agrees the district
25 has adopted a group medical plan, and a 401 plan. The

1 district does not contribute to the plan, and then in
2 bold, that the employee must contribute his own money,
3 and yet we're contradicting that at this point.

4 MR. DILLON: Well, let me explain, if I may, Mr.
5 Chairman. In this year as we've retained new employees
6 I've changed the structure of the employment agreement.
7 It consists of three parts. There's an employment
8 contract, which is one page; there's Attachment A which
9 is general provisions, and in this case for exempt
10 employees, and there's Attachment B, which is the
11 minimum job duties; general manager duties in this
12 case.

13 In the employment contract, the one-page document,
14 there are special terms of employment. And the purpose
15 of that is to make any modifications to Attachment B --
16 sorry, to Attachment A. And that's exactly what I've
17 done. In Paragraph 9-A it says: In addition to the
18 compensation listed above, the district will contribute
19 \$500 per month toward employee's medical premiums as a
20 direct payment to the medical plan. That's how that's
21 addressed, and that's the way we're going to do it in
22 all cases. So we have a standard set of employment
23 terms, and then to the extent they're modified or
24 negotiated differently, they will be reflected in the
25 one-page employment document.

1 COMMISSIONER BROOKS: Okay.

2 All right. Let's go down to Item 8-A. What we
3 have with this is, and it's what I have mentioned in
4 previous meetings, we have -- the way I read this, we
5 have no connection of what the responsibility of the
6 manager is to the district. And down here it has the
7 expiration of 30 days following written notice given by
8 the district general manager to employee of the
9 district election to terminate this agreement.

10 In essence the way I read this, he is responsible
11 to himself.

12 COMMISSIONER TOBIN: So acting to his general
13 manager might be stricken.

14 MR. DILLON: We'll have to change that. Actually
15 this is, these terms all came from the existing
16 contract, so that's something that's carried through --

17 COMMISSIONER BROOKS: Again, that's what I'm
18 saying. We have some --

19 MR. DILLON: That's my fault.

20 COMMISSIONER BROOKS: We have something before us,
21 and it's not correct, and we're voting on it. And if--

22 MR. DILLON: Well, that's easily fixed by just
23 striking general manager, given by the district to
24 employee.

25 COMMISSIONER BROOKS: And I think the same thing

1 goes to the employee -- the vacation.

2 COMMISSIONER TOBIN: Can I make a suggestion here?
3 I think we ought to vote in concept to the numbers;
4 give Tom the chance to clean this contract up. I saw a
5 couple of things, like the notice, he's got, it's got
6 60 days in here. You know, we talked about 90 days.
7 Either party be terminated upon --

8 UNIDENTIFIED MAN: That's on the front.

9 MR. DILLON: Mr. Tobin, again, 60 days is the
10 standard. On the one-page contract there's a
11 modification of that. It's revised to say 90 days in
12 this case.

13 COMMISSIONER TOBIN: Where is that?

14 MR. DILLON: 9-B, just like the medical.

15 COMMISSIONER TOBIN: Oh, I see. I see.

16 MR. DILLON: So when we hand an employee or
17 prospective employee the contract, what they're going
18 to get is these general terms -- general provisions for
19 exempt employees, and then any modifications to those,
20 instead of changing them in the body of the contract
21 and being liable to make mistakes, and having to do it
22 all over for each one, we're just going to have
23 modifications. We have a standard agreement with
24 modifications.

25 COMMISSIONER TOBIN: I didn't mean to interrupt.

1 I was trying to get to a point of, you know, a voting
2 in concept, and then having the contract reflect
3 whatever changes needed to be made, but --

4 CHAIRMAN PATTON: And I think we can vote on this
5 subject to the correction of any errors brought up to
6 us by our counsel or, you know, any Board Member, and
7 we can amend it at the next meeting.

8 COMMISSIONER TOBIN: Okay. So we're not voting to
9 adopt this contract, we're voting to adopt the numbers,
10 and then the contract will come back --

11 CHAIRMAN PATTON: Correct.

12 COMMISSIONER TOBIN: -- at the next meeting.

13 CHAIRMAN PATTON: With any corrections. There
14 have been basically some minor errors in it.

15 COMMISSIONER TOBIN: Is that --

16 COMMISSIONER BAUMAN: Well, I think what we're
17 doing is we're voting on the whole thing less any
18 errors and omissions --

19 COMMISSIONER TOBIN: That are obvious --

20 COMMISSIONER BAUMAN: -- that Tom finds over the
21 next couple of weeks.

22 COMMISSIONER TOBIN: Yeah.

23 CHAIRMAN PATTON: And we can bring it back to --
24 for the correction of any errors.

25 COMMISSIONER BAUMAN: Right. Right.

1 CHAIRMAN PATTON: Okay. I agree with that, and at
2 this point I'd like to call for a vote without
3 objection, or any other questions?

4 Hearing no objections, Carol, can you do a roll
5 call?

6 COMMISSIONER BROOKS: Could we have a reading of
7 the motion, please.

8 MS. WALKER: Commissioner Bauman made a motion to
9 approve the request from the general manager as
10 written, less any errors and omissions found by the
11 attorney, and seconded by Commissioner Tobin.

12 COMMISSIONER BAUMAN: That sounds like my motion.

13 CHAIRMAN PATTON: Yup. Without any objections,
14 like I said, Carol, will you call the roll.

15 COMMISSIONER TOBIN: I have another point of
16 order. I'm not comfortable voting on a motion which
17 says less any errors. I would like the motion -- this
18 is just a request -- that the motion be to approve the
19 manager's request, and, you know, subject to the --
20 approve the manager's request at those numbers, and
21 then the contract will come back at a later time. I
22 mean approving a motion which says less any errors just
23 doesn't strike me as being the right way to do that.
24 Maybe our counsel can give us a suggestion.

25 MR. DILLON: You might approve the one-page

1 document that has all the material information, and
2 there are some changes that need to be made to the
3 general --

4 CHAIRMAN PATTON: To Attachment A and B.

5 COMMISSIONER TOBIN: Is that okay, Gary?

6 COMMISSIONER BAUMAN: If we must. We just need to
7 move on these things.

8 COMMISSIONER TOBIN: Okay.

9 CHAIRMAN PATTON: Subject to that change in the
10 motion.

11 MS. WALKER: Okay. So we're approving the
12 employee contract with Attachments A and B to be
13 brought back?

14 CHAIRMAN PATTON: Correct.

15 COMMISSIONER BROOKS: Mr. Chairman, you have the
16 public raised his hand. Are you going to allow him to
17 speak or not?

18 CHAIRMAN PATTON: Without objection?

19 Go ahead, Hal. Could you come to the podium?

20 MR. HEIM: Thank you.

21 CHAIRMAN PATTON: State your name and where you're
22 from.

23 MR. HEIM: My name is Hal Heim (phonetic). I live
24 here in Key Largo. I was here -- pardon my voice.
25 I've got something going on.

1 Thank you for the opportunity. I speak from a
2 personal point of view representing the community. My
3 overall feeling having listened to it and I realize
4 that -- do I have five minutes to speak?

5 (No audible response.)

6 MR. HEIM: I will take it then, if no objection.

7 I think the tail is wagging the dog. I think
8 there's room for improvement in terms of your KEO
9 (phonetic) for whatever you have to evaluate a person.
10 I come from a corporation with 32 -- 35 years, and
11 every job had its minimum mid point and maximum insofar
12 as salary goes. Employees could ask what they were so
13 they'd know where they stand.

14 I hear a person coming in, again not dictating,
15 but simply saying this is what I want. Maybe you
16 fellows felt you hired him too, at too less, too low a
17 salary, I don't know.

18 My concern is a comment I read in Charlie's
19 article, and many people have read it, the fact that
20 it's the financial. I don't know how you -- how do we
21 finance \$140 million? What's the flow of money? How
22 does it come? You get some monies for administrative
23 purposes from our MSTU. On your tax bills you find
24 that we have two MSTUs; one for District 6 and one for
25 the general public. To what extent would a raise be

1 reflected by my MSTU, for example?

2 Charlie's article says that if you don't have
3 enough money coming in, and again, I'm simply quoting,
4 playing in the middle, you may have to go to the county
5 and get them to send this MSTU because it's supposed to
6 come off in 19 -- 2007. Are you familiar with this?

7 CHAIRMAN PATTON: Yes, Hal, we're very familiar
8 with this.

9 MR. HEIM: You are.

10 CHAIRMAN PATTON: Yes.

11 MR. HEIM: I'm not trying to lecture. All I, I
12 just want to cite my case. Just hold on a moment.

13 CHAIRMAN PATTON: Okay.

14 MR. HEIM: My other concern, and I'm just playing
15 it from the middle. I'm not trying to convince at this
16 point in the game. What happens if this is met, do you
17 have enough money to give employees increases or are
18 you going to be over budget?

19 CHAIRMAN PATTON: Yeah. No.

20 MR. HEIM: Well, I have a commissioner writing
21 that you're going to be over budget and there will be
22 no merit raise for other employees.

23 CHAIRMAN PATTON: Earlier we addressed those
24 issues, and I guess you might not have heard that?

25 MR. HEIM: I might not have.

1 CHAIRMAN PATTON: You might have been listening --

2 MR. HEIM: You are financed in order to handle
3 your responsibilities.

4 CHAIRMAN PATTON: Yes.

5 MR. HEIM: You are?

6 CHAIRMAN PATTON: Yes.

7 MR. HEIM: Okay. Thank you for the opportunity.
8 I wish you well. I, I do think, and I know some of
9 you -- we have a great community right here with
10 something going on which is so important to all of us,
11 I hope you can ameliorate your feelings. You all have
12 to be going down the same street together. I have
13 sensed there has been some give and take tonight, which
14 is good. But here you were at a point of order to make
15 a, take a vote, and I, my personal opinion is I think
16 there's room for additional conversation so that you
17 all feel comfortable with what you are going to do,
18 because you are spending taxpayer money, if I'm not
19 correct.

20 CHAIRMAN PATTON: And we're spending it very
21 wisely, I think.

22 MR. HEIM: I would expect you should.

23 CHAIRMAN PATTON: I would tell you that this Board
24 has done their homework, and are spending it very
25 wisely. The bottom line with it is, as far as the MSTU

1 goes, we have excess money in MSTU that will go beyond,
2 and Marty can back me up on this, as far as -- we only
3 spend a small portion, well, probably about 60 percent
4 of the MSTU tax in a given year.

5 MR. HEIM: Which one, District 6?

6 CHAIRMAN PATTON: The Key Largo District MSTU, and
7 we can only spend that for the administrative and
8 planning portion of the district. Mr. Fishburn's
9 salary is paid probably -- well, portioned from the
10 MSTU, but the contract, when he's in the field and on
11 the job, that part of his job is paid from the contract
12 money from FEMA or DEP or from other sources of money.
13 It is not all paid from the MSTU. Okay.

14 But beware, the MSTU is probably potentially going
15 to be extended, and I know it's not necessarily
16 popular, but I think the community has realized that
17 when they created the district they didn't vote to fund
18 the district's operation.

19 Now, I don't think that was a wise choice by the
20 taxpayers. BOCC had to implement the MSTU tax
21 regardless of the referendum vote, okay, and I think
22 that was very wise because I think it's critically
23 important to save Key Largo's near shore waters and the
24 reefs and everything else to implement a wastewater
25 system.

1 I think the community is finally recognizing that.
2 I think there was a lot of people that came, came
3 across prior to the district being created when the
4 Ogden (phonetic) was around everything. We don't need
5 no stinking sewers was the basic war cry. And I think
6 that was ill advised and not wise at all for the future
7 of these islands.

8 MR. HEIM: Thank you for your clarification. I
9 concur. Several things you brought up I didn't know
10 about, and I stay fairly close --

11 CHAIRMAN PATTON: Right.

12 MR. HEIM: -- to the community activities.

13 I would suggest that you communicate with the
14 community. I don't know how many people want to come
15 to one of your meetings, but you might want to consider
16 taking a story out and saying this is what we are
17 doing, not --

18 CHAIRMAN PATTON: And we will -- after this vote
19 we will talk about the impact of this letter to the
20 editor, and communications with the community directly.

21 MR. HEIM: Thank you. Appreciate the opportunity.

22 CHAIRMAN PATTON: Yes, Steve.

23 MR. HEIM: And thank you for what you are doing.

24 CHAIRMAN PATTON: Yes, Steve.

25 MR. GIBB: Briefly may I say something?

1 CHAIRMAN PATTON: Yes, you may.

2 MR. GIBB: Thank you.

3 CHAIRMAN PATTON: This is Steve Gibb, citizen of
4 Key Largo speaking.

5 COMMISSIONER TOBIN: Point of order.

6 MR. GIBB: Steve Gibb, citizen of Key Largo.

7 COMMISSIONER TOBIN: Could you hand your pad to
8 Carol, she'll take notes for you.

9 MS. WALKER: You trust me?

10 MR. GIBB: Of course I trust you.

11 What I would like to say is simply that I have
12 heard reservations about such a debate and discussion
13 being public, and in my opinion I think this is one of
14 the healthiest things that can happen in a democracy.
15 I know it can be embarrassing, can be difficult. It's
16 difficult even for me to sit here and hear you people
17 that I care about struggle, but I think this is
18 extremely healthy in terms of it's speaking to
19 democracy, and I'm very proud to be part of this and to
20 hear this Board do as it is.

21 I also have, in eight and a half years have heard
22 a lot of public organizations, agencies and so forth,
23 and I have never seen this kind of open debate, and
24 again, I think it's extremely healthy, and I thank you
25 for it.

1 CHAIRMAN PATTON: Thank you, Steve.

2 With no objections, then we'll have the roll call
3 on this issue, on this motion.

4 MS. WALKER: Commissioner Bauman?

5 COMMISSIONER BAUMAN: I'll vote yes.

6 MS. WALKER: Commissioner Tobin?

7 COMMISSIONER TOBIN: I think I'll vote yes.

8 MS. WALKER: Commissioner Brooks?

9 COMMISSIONER BROOKS: I think I'll vote no.

10 MS. WALKER: Commissioner Bullock?

11 COMMISSIONER BULLOCK: Yes.

12 MS. WALKER: Chairman Patton?

13 CHAIRMAN PATTON: Yes.

14 COMMISSIONER TOBIN: Congratulations.

15 MR. FISHBURN: Thank you.

16 CHAIRMAN PATTON: With that we'll go to the next
17 agenda item, and that's issue of letter to the editor,
18 and its impact to the community and --

19 COMMISSIONER BROOKS: I thought lateral
20 connections were --

21 CHAIRMAN PATTON: No. No. We had agreed to
22 talking about this letter to the editor and its impacts
23 on the community. And I put together a whole bunch of
24 background information, but, Charlie, if you want to
25 talk about, you know, your letter and what you feel the

1 impact is, I'll let you lead off and I'll follow up.

2 COMMISSIONER BROOKS: I don't know what you --
3 have you --

4 CHAIRMAN PATTON: The commissioner's item that I
5 put on to the letter to the editor.

6 COMMISSIONER BROOKS: Well, I know, but there was
7 no backup and because --

8 CHAIRMAN PATTON: No, I did, I just finished it
9 today.

10 COMMISSIONER BROOKS: And is this it?

11 CHAIRMAN PATTON: No, that's not it. That's about
12 Commissioner --

13 COMMISSIONER BROOKS: Where's the backup? I have
14 nothing.

15 CHAIRMAN PATTON: I'll give it to you after I
16 speak. I created it for my talking points.

17 COMMISSIONER BROOKS: And you won't give it to us
18 to read?

19 CHAIRMAN PATTON: Well, I'll basically read it to
20 you, and then you can have a copy of it.

21 COMMISSIONER BROOKS: That's interesting.

22 CHAIRMAN PATTON: Okay?

23 COMMISSIONER BROOKS: Okay. Go ahead.

24 CHAIRMAN PATTON: Okay. And basically, you know--

25 COMMISSIONER BAUMAN: Why don't you pass it out,

1 let us study it, and we'll talk about it next, next
2 meeting?

3 CHAIRMAN PATTON: No, I want to talk about it
4 tonight. I really do. I have to get this off my
5 chest. I think it's critically important.

6 COMMISSIONER BAUMAN: Okay. Go ahead. But I just
7 don't like coming to a meeting unprepared.

8 CHAIRMAN PATTON: And that's fine.

9 COMMISSIONER BAUMAN: And I'm completely
10 unprepared.

11 CHAIRMAN PATTON: You can bring it up at the next
12 meeting and talk about it further, okay, but I want to
13 get this on the record tonight.

14 COMMISSIONER TOBIN: And what number is it?

15 CHAIRMAN PATTON: It is basically an add on. I
16 requested it as an add on, and it will be F-4.

17 COMMISSIONER TOBIN: F-4?

18 CHAIRMAN PATTON: Yes, and that's what we talked
19 about. I'll be glad to pass, I'll pass it out. Pass
20 out the information.

21 COMMISSIONER BROOKS: But only after you read it?

22 CHAIRMAN PATTON: No, no, we'll pass it out right
23 now. You can read it while I read along with it, if
24 you want.

25 COMMISSIONER BROOKS: Thank you.

1 CHAIRMAN PATTON: And basically it may be a little
2 bit redundant, but there's some important points that I
3 want to stress in here. And I'll lead off and you guys
4 can comment, and I'll follow up.

5 In my opinion this letter was fostered because of
6 philosophical difference and personality clash with the
7 manager, between Commissioner Fishburn -- Commissioner
8 Brooks and our general manager, Mr. Fishburn. And as I
9 said earlier, I think that Charlie Brooks has wanted to
10 run the, and manage the district from the Board level,
11 and I basically think that's totally inappropriate.

12 And basically what I found out about, and when
13 reading the letter, it wasn't about the money, it was
14 about the personality differences that were in there.

15 I thought the letter was one-sided. I thought it
16 was inappropriate to present that to the public in a
17 one-sided manner. I feel like I'm Paul Harvey here
18 today saying, and now the rest of the story. Okay?

19 I think that basically this letter contained a lot
20 of misinformation, and that's under Line No. 3 or Item
21 No. 3, and basically I felt that, also that the letter
22 was very shortsighted and wrong, and it had a narrow-
23 minded and petty view of our district.

24 I'll go right to the quick of this. The letter
25 was designed to enflame the public to bring support for

1 and more leverage to Commissioner Brooks' authority on
2 this Board. I felt the letter basically betrayed the
3 other commissioners on this commission, and betrayed
4 the staff by calling and referring to any action on
5 this Board as weaseling. To me that inferred that we
6 were all potentially weasels here, you know, dipping
7 into the pocket and stealing money from the working
8 class people of this community. And I felt the word
9 weaseling was totally inappropriate.

10 I thought the letter was wrong, and I think that
11 Commissioner Brooks' letter to the editor has done and
12 tarnished the image of this district. I am insulted by
13 it. I feel very strong about it, and I think it is
14 very wrong. I can't stress that a-much. And I think
15 it's done a tremendous amount of damage.

16 I am extremely proud of this district and its
17 accomplishments to the date, to-date. I think we're
18 the best organization implementing wastewater in Monroe
19 County, and there is no doubt in my mind that we will
20 deliver the, deliver AWT Wastewater Services at the
21 lowest cost per EDU anywhere in the county.

22 And as I reiterated earlier, I think that we are,
23 you know, a strong organization that's doing the right
24 thing by the taxpayers of Monroe County and the
25 district.

1 And like I said, I think the most important point
2 here is the fact that I think it has tarnished the
3 reputation, I think when it is in Key West, in a guest
4 column in the Key West Citizen I think it -- and I will
5 as the chairman of this district put a rebuttal in the
6 Key West paper, in the Key West Citizen to rebut this,
7 and undo the damage that potentially the taxpayers of
8 this community think that -- and one commissioner on
9 this Board referring to any action, I can't imagine
10 referring to any action on this Board as weaseling. I
11 take great offense to that because I can see if it was
12 a political cartoon, the four members on this board
13 would have long noses, and Mr. Fishburn would have a
14 long nose, and we'd be having our hands in the back
15 pocket of some poor working guy here, and stealing his
16 tax money. And that's the image and the damage that
17 has been done to this Board, and I resent it.

18 And I think there has been a lot of damage done to
19 this, the Board, and I think Commissioner Brooks owes
20 this Board an apology, Mr. Fishburn an apology, and,
21 and staff an apology by referring to us, and inferring
22 that we're a bunch of weasels and gouging the public
23 and wasting their taxpayer money.

24 We are not wasting the taxpayer's money. We are
25 doing everything possible to bring the cost of per EDU

1 down as low as we possibly can. That is my goal, that
2 is the goal of every commissioner on this Board. I
3 think I can freely speak to that, and I think that is
4 beyond a doubt, beyond any shadow of a doubt Mr.
5 Fishburn's goal and objective on this Board. And he's
6 got his heart and soul in it, and any context to refer
7 to anything we do by taking an action tonight, and that
8 letter to the editor referring to again, like I said,
9 as gouging or as a weasel, I totally resent it.

10 And if anybody in regards to, like I said, to --
11 another point is that there's a shortfall in Key Largo
12 Trailer Village -- I mean Key Largo Park, and we're
13 short \$300,000 from the Haskell claim, and we're short
14 federal monies, and if anybody's responsible for that,
15 it certainly is not Mr. Fishburn.

16 And I've said my piece. Anybody else wants to
17 rebut that they're welcome to, but -- and other Board
18 Members can have a comment to that effect. And you
19 have the background information. It's a simple thing.
20 It's not real rocket science here.

21 (Tape 1, Side B ends. Tape 2, Side A continues as
22 follows:)

23 CHAIRMAN PATTON: If no other comment we'll move
24 on to the next agenda item.

25 COMMISSIONER BROOKS: Well, I have --

1 CHAIRMAN PATTON: Okay.

2 COMMISSIONER BROOKS: -- I would like to hear from
3 my other Board Members here and then I'll make a
4 comment on your comment.

5 CHAIRMAN PATTON: Does anybody else have a
6 comment?

7 COMMISSIONER BAUMAN: I, as I said --

8 CHAIRMAN PATTON: Mr. Bullock.

9 COMMISSIONER BAUMAN: -- I'd like to read your
10 thoughts --

11 CHAIRMAN PATTON: And you can come back --

12 COMMISSIONER BAUMAN: I love your passion.

13 CHAIRMAN PATTON: Yup.

14 COMMISSIONER BAUMAN: I'd like to read your
15 thoughts, and consider them.

16 CHAIRMAN PATTON: Well, you're certainly -- I
17 wanted to get it on the record tonight, so you can have
18 a background --

19 COMMISSIONER BAUMAN: That's great. That's fine.

20 CHAIRMAN PATTON: -- and bring it back the next
21 meeting.

22 COMMISSIONER BAUMAN: I'd be more than happy to
23 comment at the next meeting.

24 CHAIRMAN PATTON: That's fine.

25 Mr. Bullock.

1 COMMISSIONER BULLOCK: I'm refraining from comment
2 till the next meeting.

3 CHAIRMAN PATTON: Commissioner Tobin.

4 COMMISSIONER TOBIN: I'm going to refrain at this
5 time.

6 CHAIRMAN PATTON: Mr. Brooks.

7 COMMISSIONER BROOKS: My comment will be, you're
8 entitled to your opinion, and I'm entitled to my
9 opinion, and if I feel so responsible to the people
10 that I represent in this district of going to the press
11 to solicit their opinion, I will do so again.

12 CHAIRMAN PATTON: And my comment to that is you're
13 certainly entitled to your opinion, and I would never,
14 that's the First Amendment, and you have every right in
15 the world to write a letter to the editor.

16 However, when you refer to this Board's actions as
17 weaseling and gouging and refer to us like that, I have
18 objections.

19 COMMISSIONER BROOKS: Well, without going into too
20 much discussion, it said nothing about the Board being
21 a weasel, it just said the action of weaseling, and
22 Chuck I think understands the word gouging because that
23 goes back in history. Thank you.

24 So, but I stated my opinion, I stated my reason
25 for the, in the letter for the letter, and I will stand

1 by my constitutional right, and I think the letter was
2 very factual in the sense that it informed the people
3 of the Board adopting a budget.

4 CHAIRMAN PATTON: With that we'll go forward into
5 the next agenda item. I have no further comment at
6 this point.

7 (Excerpt of proceedings is concluded.)

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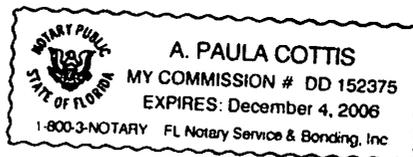
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STATE OF FLORIDA)
COUNTY OF MONROE)

I, A. Paula Cottis, Notary Public, State of Florida at Large, do hereby certify that I was authorized to and did transcribe from an audio recording the proceedings held in the above-entitled matter, and that the foregoing pages numbered from 1 to 63, inclusive, constitute a true and correct transcript of said audio recording, with any unintelligible areas duly noted.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 23rd day of June 2006.



Army Corp Status Report

Martin Waits reported that he has tried to contact Shelly Turlock but she was on vacation. He sent her a draft of a letter that the District wants to officially submit to her. Mr. Waits is awaiting a response from her.

Chairman Patton requested a monthly report on the Army Corp funds status.

Monthly Maximum Flow Billing Cut Off

Commissioner Bullock thinks that there is room to lower the cut off number. He reported that Mr. Fishburn had suggested putting off the decision until the District has had a year of operation. Commissioner Bullock stated that he does not see the over all impact on the budget if the limit is reduced.

Commissioner Tobin expressed concern over collecting the wastewater bill He suggested just going to a flat rate.

Chairman Patton said that the Board should look at the issue after a year's experience. If the cap is reduced it would only affect 1.3 percent of customers and the change may have to be reported to SRF.

Lateral Connection Status

Commissioner Brooks compliments the Staff on the Matrix.

Charles F. Fishburn reviewed the report on the number of people who have applied for permits and Approval to Proceed Letters and Building Permits.

Commission Tobin requested that Staff send a letter to the Federation explaining what the District is doing to help the residents.

Bulk Items

Minutes of January 4, 2006

Steve Gibbs requested that the article in the paper be identified as being in the "Reporter". Mr. Dillon corrected the spelling of sited on page 4 to sighted.

MOTION: Commissioner Bullock made a motion to approve the Minutes of January 4, 2006 as corrected. The motion was seconded by Commissioner Brooks.

Vote on motion

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

Motion passed 5 to 0

Financial Officer's Report

Pending Payments List

Martin Waits presented the Pending Payments List for January 18, 2006.

MOTION: Commissioner Bullock made a motion to approve the pending payment list of January 18, 2006 contingent upon the availability of funds. The motion was seconded by Commissioner Tobin.

Vote on motion

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

Motion passed 5 to 0

Options for Final Funding of KLP Project

Martin Waits, Finance Officer reported that the staff has reviewed the different options for additional funding of the KLP Project and have concluded that the funding should come from moving forward with a SRF Loan.

MOTION: Commissioner Tobin made a motion to approve the intent to move forward with applying for a SRF Loan to supplement to KLP funds. Commission Bullock seconded the motion.

Vote on motion

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

Motion passed 5 to 0

KLWTD Liability Insurance Status

Mr. Waits reported that he met with two companies and it seems that the District is too small for them to consider as an account. Staff will bring back the item at the end of February for action. Mr. Waits also reported that he is looking into other options for property insurance.

Inter-local Agreement with FKAA for Billing

Tom Dillon, District Counsel explained that the rate that will be charge to the District for FKAA processing the District billing and handling customer service would be \$2.05 per water meter.

MOTION: Commissioner Bauman made a motion to approve the Inter-local Agreement with FKAA for District Billing. Commissioner Tobin seconded the motion.

Vote on motion

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

Motion passed 5 to 0

Chairman Patton asked if Staff has heard anything back on the RFQ for the billing. He pointed out that those companies may be able to provide a professional web site for the District. Mr. Fishburn explained that the RFQ's are not due in until January 20, 2006. Mr. Dillon suggested that webmaster services be procured locally, if possible.

Legal Counsel Report

Public Hearing for Lien Legislation

Mr. Dillon stated that he has drafted legislation that inserts into the authorizing legislation statute for Key Largo Wastewater Treatment District Act words that say that unpaid District charges will become a lien against real property subject to the Save Our Homes Amendment. A public hearing will be held on January 20 at 5 PM at the Key Largo Library.

Area of Critical State Concern

Mr. Dillon, at Chairman Patton's request, emailed Representative Sorenson a list of his concerns for the District if the Area of Critical State Concern were removed. The first major concern is the loss of the requirement to have package plants connect to the system. It would be devastating because of the flow and revenue lost to the District. The second major issue is that the thirty day notice to hook up would become a year instead. Mr. Dillon also reported that the Monroe County Attorney is concerned with condemnation power being lost and he would piggy pack on their concern.

Chairman Patton said that he had talked to Representative Sorenson and that Representative Sorenson was planning on drafting legislation that would protect these special requirement concerns.

A Resolution on Establishing Initial Monthly Rates and Charges for Wastewater Collection, Transmission, Treatment, and Disposal.

Mr. Dillon explained that he has presented the Board with a marked up version of the resolution so that they may track the changes that were made. One change was that a new type of use "Serviced Mooring Space" like boatels and live a boards. He also has added Employee Housing Units. A definition for District Connection Policies has been added since the appeal process has been removed.

Commissioner Brooks questioned Commission Tobin on his statement of going to a flat rate. Commissioner Tobin stated that the District might want to explore going to a flat rate (two rate) charge for residential. It is not intended to replace the rate resolution.

After discussion among the Board members Staff was directed to remove the use of "Service Mooring Space" from the rate resolution at the current time. Staff was directed to bring back the resolution to the next meeting for action.

Engineer's Report

Monthly Report

Ed Castle reported that the debris pile of concern in the Key Largo Park has been removed to the lot that is being rented for that purpose. Paving in Key Largo Park will start on January 23, 2006. Mr. Castle estimates that the Key Largo Park will be finished around the end of March.

The Engineers walked the entire collection system line in the Key Largo Trailer Village collection system and came up with a relatively short punch list. There are a few minor things that need to be done. Ed Castle reported that a walk through of the Treatment Plant was done also. There is a long punch list for the plant because the walk through was premature.

Manager's Report

Mitigation for Treatment Plant Site

Charles F. Fishburn, General Manager reported that the County did not purchase the Buccaneer Point site that was intended for mitigation of the Treatment Plant site. He explained that the District, U.S. Fish and Wildlife, and the County are working on a plan to fill in an area on 905 to bring it up to historic elevation that it will meet the mitigation requirements.

Tom Dillon pointed out that the District would be restoring a habitat for the same endangered species that the plant site is a habitat for.

Commissioner Brooks complimented Staff for the work that they have done on the mitigation and pointed out that he is the one who said something that instigated the action.

Re-Inspection Fee

Mr. Fishburn requested that the Board set a re-inspection fee for the camera inspection of \$100. There are some cases when the inspectors have to go out three times.

After Board discussion the Staff was directed to investigate the problem and see if there is a way that the contractor can be penalized, and not the homeowner.

Commissioner's Items

Chairman Brooks asked for clarification on the minutes of the Arcadis meeting stating that the construction will not be complete until 2008. It was clarified that it is the

operation that will not begin until 2008. It is realistic to say it will take eighteen months to build the Regional Treatment Plant.

Adjournment

The KLWTD Board adjourned the meeting at 9:09 PM.

The KLWTD meeting minutes of January 18, 2006 were approved on July 12, 2006.

Chairman Claude Bullock

Carol Walker, CMC
Board Clerk

Island Issues - Sewer chief's pay request would be budget-breaker

In June 2004, Charles Fishburn negotiated and received a two-year employment contract with the Key Largo Wastewater Treatment District. The position is for the top executive officer of the district to work directly under and at the direction of the elected district board.

The agreed-upon salary for this position is \$92,000 annual salary. The contract commenced June 1, 2004, for a period of two years and will expire on May 31, 2006.

Mr. Fishburn placed on the Dec. 21 board agenda an item requesting a salary increase from \$92,000 annually to \$106,000 annually, plus a \$500 monthly health-insurance payment. This amounts to a 22 percent increase in salary and benefits. This would bring his total compensation to \$112,000 annually.

Mr. Fishburn would like for the new one-year contract to commence on Feb. 1, four months prior to the expiration of his existing contract. He is now wishing to renege on his existing contract and requesting a new one-year contract.

Mr. Fishburn stated the reasoning for the one-year contract is so he may come back next year with the anticipation of raising his salary to at least \$120,000 per year. Mr. Fishburn's expectations based on his evaluations of job value would require the district to increase his salary \$20,000 in 2006 and an additional \$8,000 in 2007, meaning a total escalated salary increase in two-years of \$28,000. What will be requested in 2008, 2009 or 2010?

When inquiries came from the board requesting what basis Mr. Fishburn had for his salary request, his answer was that he believes that is what the job is worth, with further inquiry as to any salaries studies in related jobs.

Mr. Fishburn replied he did have one but it was not favorable to his request, therefore he did not present it. Mr. Fishburn stated the study indicated a district our size could get an administrator for around \$80,000 annually.

In further inquiry, Mr. Fishburn stated he would forward those salary studies to the board (we hold our meetings in our district office and Mr. Fishburn's office is a few feet away. As of Jan. 11, I have received no such study from Mr. Fishburn).

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Charles Brooks is a Key Largo resident and a commissioner on the Key Largo Wastewater Treatment District Board.

Attached
4/1/06

Petitions

Attached is a number of petition sheets requesting the Key Largo wastewater treatment district or of directors not to consider and to deny Mr. Fishburn request salary increase and contract change at this time.

This petition further requests that when Mr. Fishburn contract is up for renewal that any salary increase not exceed the board approved budget percentages of 5%.

I Commissioner Charles Brooks a member of the KLWTD Board of Directors was so shocked with Mr. Fishburn request and the apparent supported by some KLWTD Commissioners. The excessive amount of the salary raise request was so exorbitant this Commissioner felt it was time to notify the electorate of the request and to receive their input on the issue.

Surprising to this Commissioner was the value; even though they were all incensed by the excessive salary; a large percentage of the signaturees also expressed great stock and disappointment in Mr. Fishburn's not wanting to carryout is commitments in the original contract.

**Notably No One Refused to Sign
Where Presented in Groups Everyone Present Signed**

Presented for the Record
Charles Brooks
KLWTD Commissioner

Jan 18, 2006

Total Number of
Signatures

77

KLWTD - Com. C. Brooks' Letter to the Editor

Jan 18, 2006 (note - Final Draft - The finished final version will be available after the KLWTD meeting to allow for any new info or corrections.)

I. IMO, Com Brooks' letter was fostered because of a philosophical difference and personality clash.

- A. *It is about a philosophical difference between Com. C Brooks and Fishburn. Com. C. Brooks wants to manage the district for the Board level. He was livid about C. Fishburn joining the KL CofC without Board approval.*
- B. *Fishburn has an aggressive style that Com C. Brooks is very opposed to.*

II. Let's be honest this is not about the money

- A. *Let's be honest this is not about the money, it is a philosophical difference, otherwise Com. C. Brooks would have been more vocal about Sheets getting \$180 per hour.*
- B. *The KLWTD Staff engineer just got a 20% increase in pay! \$60K to \$72K*
- C. *Myth - 5 % policy per Resol 12-09-05 See attachment*
- D. *GM Fishburn has on reneged on anything*

III. Com. Brooks' letter contains misinformation

- A. *Myth - 5 % policy per Resol 12-09-05 See attachment.*
- B. *GM Fishburn has on reneged on anything - his contract allow for the either party to end the contract*
- C. *All anyone has to do is go to do a Google search for top grade engineer salary info and will find that a Senior Engineer can easily make \$120k*
- D. *Fishburns' contract was under market rate - do a google search!*
- E. *Using the word weaseling to describe Fishburn or this board's action is totally inappropriate and Com C. Brooks should be ashamed of himself for using this kind of language.*

IV. Com. Brooks' analysis is short sighted and wrong.

- A. *The entire analysis should be based on a cost/benefit analysis and it effect on Cost per EDU.*
- B. *The analysis is myopic, narrow-minded, and petty...*
- C. *The analysis is a classic case of not being able to see the trees for the forest.*
- D. *Com Brooks' mentality is penny wise but pound foolish....*

V. The letter was designed to inflame the public by providing on half of the story.

- A. *The Letter was designed to inappropriately leverage Com. Brooks' authority on the board.*
- B. *The letter inappropriately brings a routine issue to the public with just one side of the story told thus making the issue controversial !*

VI. KLWTD & STAFF BETRAYED by the letter.

- A. *This letter to the editor is betrayal of the other commissioners on the board and staff. The letter was send before a decision was made. The tone of the letter was mean spirited!*
- B. **WEASELING??** *I can't imagine using this word in any context while referring to the actions of the KLWTD board or staff.*
- C. *This type of debate in the newspapers is not a right forum for deliberative discussion nor a place that creates an appropriate compromise.*
- D. **Damage Done!!** *The letter creates the impression that the KLWTD board members & staffers are a bunch of weasels reach into the pocket of working families and steal their money. This perception could not be further from the truth. THE KLWTD IS SAVING KEY LARGO NEAR SHORE WATERS.*

VII. Brooks' Micro-Management

- A. *Com Brooks wants to limit the ability of the GM to manage the district business and limit the GM's ability to implement by micro-managing*

VIII. Brooks ineffective

- A Brooks as a Commission has tried to micro-manage the General Manager, while at the same time he has been very ineffective in his own assignments on this board.
- B. One of the most significant has been his assignment to get Federal Money for the Army Corp Today, we haven't received the first dollar from the Federal Gov't. Com Brooks resigned from this assignment before the board removed him.

IX. USBF Decision

- A Brooks as a Commission led the charge for USBF against the advise of Chuck Fishburn and other the engineering staffers of the board
- B. If the Board had listen to Fishburn instead of a slick USBF salesman, the taxpayer would have been better off! Fishburn was not fooled by the USBF salesman.
- C The decision to go to USBF was later reversed but led to a claim by Haskell that cost the taxpayer of the District \$300,000 / \$22 per EDU

X. If anyone is responsible for the budget short fall for the KLP, it is Com C. Brooks

XI. Respect for Com Brooks

- A I have no problem with Com Brooks' opinion that GM Fishburn does deserve additional compensation. HE IS ENTITLED TO HIS OPINION, BUT IT SHOULD HAVE BEEN DISCUSSION AT THE KLWTD BOARD MEETING BEFORE GOING TO THE PRESS
- B But for writing this letter to the editor, I have lost a tremendous amount of respect of Com. C. Brooks for, a man for whom I had a great deal of respect for in the past for his dedication to his community and to the important mission of sewerage Key Largo.

I am extremely proud of the Districts' accomplishments to date. We are the best organization implementing wastewater improvements in Monroe Co. Key Largo should be proud of their District accomplishments.

There is no doubt the in my mind that the District will deliver AWT wastewater services at the lowest cost per EDU than any other place in Monroe Co.

To me, it is urgent to move forward in an aggressive manner to get the job done, for two reasons. The first, is the urgency to clean up the Keys' near shore waters. THE NEARS SHORE WATERS OF THE KEYS ARE AN ENVIRONMENT DISASTER. This is an environmental imperative. The second reason is every year construct cost go up 10 to 20%. So, the soon we get Key Largo sewerage the less it will cost. So, It up sets me when someone un-minds the efforts of the Districts efforts to get the job done.

I was proud of all the commissioners on this board until Com Brooke's letter to the editor was published in the KEYNOTER. Now we have a Commissioner working to undermine the rest of the board and the General Manager in a manner that is mean spirited and not worthy of an elected public official. Com. Charles Brooks owes the KLWTD Board, Mr Fishburn, staff and the General Public an apology...

With all due respect,

Glenn Patton - KLWTD Chairman

SRF Plan CPH	\$350,772
SRF Plan Weiler	<u>96,620</u>
Reduction	\$254,152

COLLECTION SYSTEM

First Proposal	\$916,491.69
Final Version*	<u>694,608.19</u>
(Reduced Scope)	\$221,883.50

TRANSMISSION

First Proposal	\$249,869.89
Final Proposal	<u>197,039.90</u>
Reduction	\$52,824.99

TOTAL REDUCTION \$528,865.39

TREATMENT PLANT

Arcadis / MWH	
First Proposal	\$794,500
Final Proposal	<u>742,400</u>
Reduction	\$52,100

\$2,311,633.58

\$580,960.49

25.132%

	13500	
\$	11,000	8,235.48

\$	148,500,000.00	111,178,932.55
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	37,321,067.45	2,764.52
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WITH FISHBURN
2005

SRF Plan CPH	\$350,772
SRF Plan Weiler	<u>142,000</u>
Reduction	\$208,772

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Final Proposal	<u>742,400</u>
Reduction	\$ 52,100

*\$59,145 Survey Saving Alone

From: Martin Waits [martinwaits@bellsouth.net]
Sent: Monday, January 16, 2006 5:57 PM
To: gpatton@innovative-dynamics.com
Cc: 'Chuck Fishburn'
Subject: RE: Resol 12-09-05??

Attachments: KL.WTD FY 2006 Five Year Operating Budget.xls

Glenn,

Resolution 12-09-05 was the FY2006 Budget Resolution. It actually said nothing about merit increases specifically, except that the total administrative salary budget line included 5% for merit increases

What Charlie was referring to in his article was a schedule that supported the FY2006 budget presented in earlier meetings in the context of a 5 year plan. I have attached that 5 year plan and all supporting schedules (see various Excel tabs supporting the main sheet)

I would also comment that Chuck's raise will not be for a full year, as Charlie calculates, but only 8 months. Impact on FY2006 would therefore only be \$13,400 not \$20,000 and within the \$16,750 allowed. Since everyone else is in the budget at their current salaries (which were recent raises and will not change in FY2006), Chuck's raise was within the budgeted amount for the year and, since no one else was expected to get any additional merit increase than was already budgeted, the budgeted merit increase was really only expected to cover a raise for Chuck and not much more.

Call me if you have any questions.

Marty

From: Glenn Patton [mailto:gpatton@innovative-dynamics.com]
Sent: Monday, January 16, 2006 1:53 PM
To: Chuck Fishburn
Subject: Resol 12-09-05??

Hello Chuck

I need Resol 12-09-05 on the table to verify whether Brooks' statement below is true.

What did 12-09-05 say in regards to merit increases?

"During discussion by board members, there seemed to be some support for this extreme salary increase despite the board's unanimous decision (resolution No. 12-09-05) adopting the 2006 budget, which set merit increases not to exceed 5 percent of the annual average."

Best regards, Glenn

<http://www.glennpatton.com>
305-451-4891 Home

Island Issues - Sewer chief's pay request would be budget-breaker

By Com. C. Brooks Jan 14, 2006

In June 2004, Charles Fishburn negotiated and received a two-year employment contract with the Key Largo Wastewater Treatment District. The position is for the top executive officer of the district to work directly under and at the direction of the elected district board.

The agreed-upon salary for this position is \$92,000 annual salary. The contract commenced June 1, 2004, for a period of two years and will expire on May 31, 2006.

Mr. Fishburn placed on the Dec. 21 board agenda an item requesting a salary increase from \$92,000 annually to \$106,000 annually, plus a \$500 monthly health-insurance payment. This amounts to a 22 percent increase in salary and benefits. This would bring his total compensation to \$112,000 annually.

Mr. Fishburn would like for the new one-year contract to commence on Feb. 1, four months prior to the expiration of his existing contract. He is now wishing to renege on his existing contract and requesting a new one-year contract.

Mr. Fishburn stated the reasoning for the one-year contract is so he may come back next year with the anticipation of raising his salary to at least \$120,000 per year. Mr. Fishburn's expectations based on his evaluations of job value would require the district to increase his salary \$20,000 in 2006 and an additional \$8,000 in 2007, meaning a total escalated salary increase in two-years of \$28,000. What will be requested in 2008, 2009 or 2010?

When inquiries came from the board requesting what basis Mr. Fishburn had for his salary request, his answer was that he believes that is what the job is worth, with further inquiry as to any salaries studies in related jobs.

Mr. Fishburn replied he did have one but it was not favorable to his request, therefore he did not present it. Mr. Fishburn stated the study indicated a district our size could get an administrator for around \$80,000 annually.

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Monroe County to extend this unpopular taxing unit.

In June, our financial officer, Marty Waits, presented to the board his five-year operating plan, which he noted shows total fund deficits in 2006, 2009 and 2010. All of the numbers are strictly estimates with very little actual experience to back them up. However, they are a good indication of approximately where and when the district could have start-up/growth financial issues to address.

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On Sept. 30, the district board unanimously approved the 2006 budget, restraining salary merit increases to 5 percent.

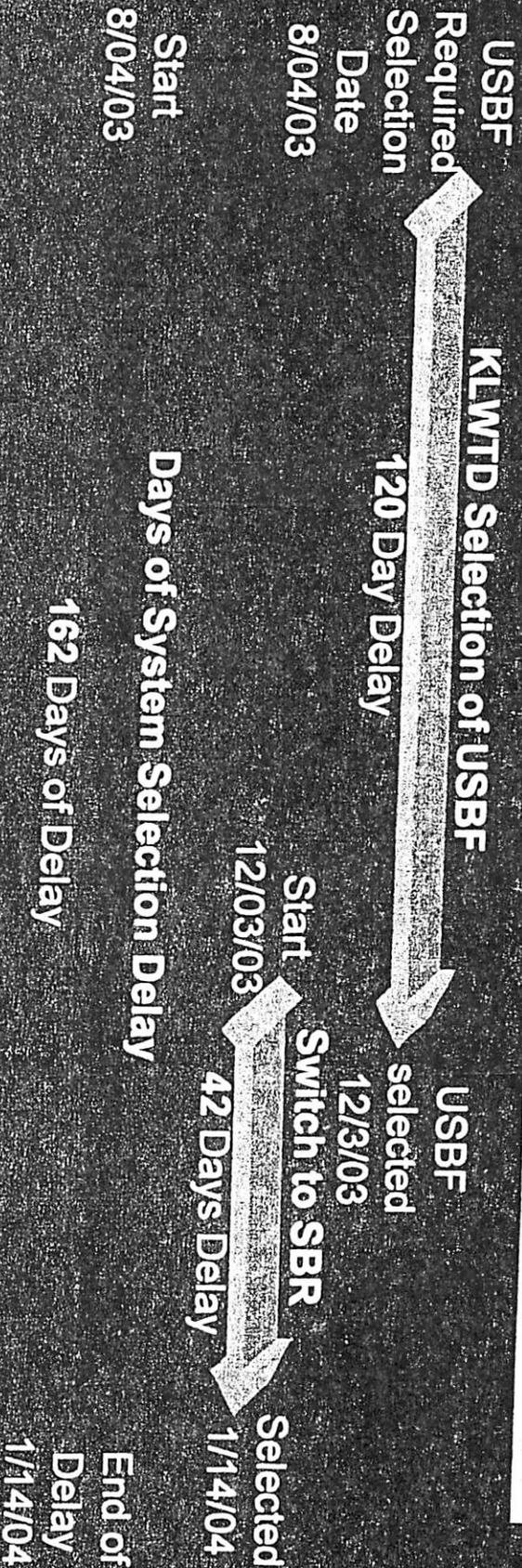
Approval of this request will suck dry the 5 percent annual average merit increases in excess of \$3,250 of the amount budgeted (\$16,750) for all employees with no merit raise for the other employees.

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Charles Brooks is a Key Largo resident and a commissioner on the Key Largo Wastewater Treatment District Board.

Process System Delay



- Owner solely responsible for equipment selection - told prior to contract only SBR would meet requirements
- Haskell's proposal based on SBR system - USBF system could not meet RFP requirements - i.e. advance waste water treatment levels and operating results from existing facilities
- KLWTD selected USBF despite inability to meet requirements and advice of Haskell, Brown & Caldwell and Weiler Engineering (owner's consultant)
- Delayed procurement, design and construction
- Can't get design to 30 percent without the equipment - KLWTD acknowledged

Owner Selects USBF on 12/3/03 against all recommendations

Chairman Bauman asked if there be any further discussion on the item. There being none, Commissioner Brooks made a motion to select the USBF. Commissioner Bauman requested a roll call vote as follows:

COMMISSIONER BEATY
 COMMISSIONER BROOKS
 COMMISSIONER TOBIN
 COMMISSIONER WILKINSON
 COMMISSIONER BAUMAN

THE MOTION WAS APPROVED BY A VOTE OF THREE IN FAVOR AND TWO NOT IN FAVOR.

COMMISSIONER TOBIN MADE A MOTION TO APPROVE WORK AUTHORIZATION WEC 04-01. SHEETS BE INCLUDED WITH THE BILL. MR. CASTLE STATED THAT DOCUMENTATION WOULD BE PROVIDED WITH THE MOTION. THERE WAS A QUESTION HOW THE AGENDA ITEM WAS PLACED FOR ACTION. CHAIRMAN BAUMAN STATED THAT IT WAS AN EXECUTIVE DECISION TO REVOTE BECAUSE THE ORIGINAL MOTION WAS ONLY VOTED ON BY FOUR MEMBERS AND ENDED WITH A TIE VOTE.

Chairman Bauman requested a roll call vote on the USBF. There being no further discussion on the item, Commissioner Brooks made a motion to select the USBF. Commissioner Bauman requested a roll call vote as follows:

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THE MOTION WAS APPROVED BY A VOTE OF THREE IN FAVOR AND TWO NOT IN FAVOR.

Chairman Bauman requested a roll call vote as follows:

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

December 12, 2003 Haskell reminds Owner USBF can't meet requirements

... all of the project's wastewater experts (Government Services Group, Weiler Engineering and Brown and Caldwell) agreed that the effluent produced by the USBF process would not satisfy the project's requirements.



THE HASKELL COMPANY
A Division of The Haskell Group, Inc.

Attn: Account Management
The Haskell Company
10000 North 10th Street
Suite 200
Portland, Oregon 97208
Phone: 503.281.1200

December 12, 2003
Mr. Robert Smith
Government Services Group, Inc.
Suite 200
Portland, Oregon 97208

Dear Mr. Smith:

In response to your letter dated November 20, 2003, regarding the USBF process, we have reviewed the data provided and have concluded that the effluent produced by the USBF process will not meet the project's requirements.

- 1. The effluent produced by the USBF process does not meet the project's requirements for BOD5, TSS, and Total Phosphorus.
- 2. The effluent produced by the USBF process does not meet the project's requirements for Ammonia Nitrogen.
- 3. The effluent produced by the USBF process does not meet the project's requirements for Total Nitrogen.
- 4. The effluent produced by the USBF process does not meet the project's requirements for Total Suspended Solids.
- 5. The effluent produced by the USBF process does not meet the project's requirements for Total Dissolved Solids.
- 6. The effluent produced by the USBF process does not meet the project's requirements for Total Phosphorus.
- 7. The effluent produced by the USBF process does not meet the project's requirements for Ammonia Nitrogen.
- 8. The effluent produced by the USBF process does not meet the project's requirements for Total Nitrogen.
- 9. The effluent produced by the USBF process does not meet the project's requirements for Total Suspended Solids.
- 10. The effluent produced by the USBF process does not meet the project's requirements for Total Dissolved Solids.

The project's requirements are outlined in the project's specifications and are not subject to change. We have reviewed the data provided and have concluded that the effluent produced by the USBF process will not meet the project's requirements. We have provided you with a copy of our report and a copy of our recommendations. We have also provided you with a copy of our report and a copy of our recommendations. We have also provided you with a copy of our report and a copy of our recommendations.

Confidential

Sewer manager's salary increase opposed by some board members

BY STEVE GIBBS
Free Press Staff

KEY LARGO — The general manager of the Key Largo Wastewater Treatment District is asking the board for a raise several months before his current contract expires.

At least two members of the wastewater board are saying "no."

Chuck Fishburn said he agreed to his current contract, which expires June 1, although he wanted a one-year contract rather than a two-year contract.

"This job was [worth] at least \$120,000 when I signed the contract months ago," he said. "I replaced [Robert] Sheets at \$180 an hour and [Charles] Sweat at \$150 an hour as well as myself at \$90 an hour."

Fishburn formerly worked for Government Services Group, the firm the board first contracted with for management, a clerk and other services.

A letter penned by wastewater board member Charles Brooks appears in local newspapers including this week's Free Press [See letter, page 52].

"Unrestrained salary increases may cause the district to request Monroe County to extend [the municipal service taxing unit]," Brooks wrote.

"Fishburn's expectations, based on his evaluations of job

"My one weakness is I love this job and I won't leave in any case."

— Chuck Fishburn
Key Largo Wastewater Treatment District

value, would require the district to increase his salary \$20,000 in 2006 and an additional \$8,000 in 2007. What will be requested in 2008, 2009 and 2010?" he asked.

Board member Gary Bauman is also against the salary increase.

"He should wait until [the sewerage of Key Largo Trailer Village and Key Largo Park] is completed and we start having customers," he said.

Bauman said Fishburn is only doing one-third of the job. He said Fishburn is overseeing construction, but has not yet had to deal with billing customers or the plant operation.

Fishburn disagrees.

"I'm doing a \$140 million construction job. If this had been a completed project I wouldn't be here. My one weakness is I love this job and I won't leave in any case," Fishburn said.

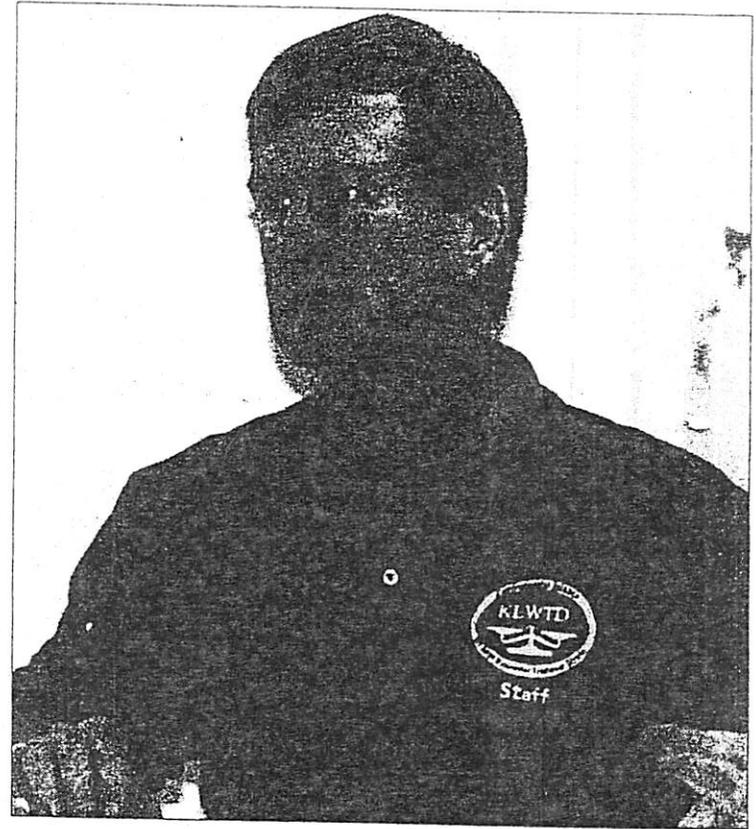
Board Chairman Glenn Patton pointed out that Fishburn has saved the board money.

"He's done an excellent job," Patton said. "He's saved the residents of Key Largo hundreds of thousands of dollars.

"I'm very surprised that this is so contentious. I had thought the board was all in agreement over this," he said. "But I don't think the place to debate this is in the newspapers. The exact amount of the raise and the terms of his contract is for the board to decide."

His salary increase is to be discussed at the Wednesday, Jan. 18 meeting of the board at district headquarters at mile marker 98.8 in the median.

sgibbs@keysnews.com



File photo
Chuck Fishburn, manager of the Key Largo Wastewater Treatment District, is asking the five-member board for a raise. Two members have announced their opposition to the increase.

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for Over 25 Years

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tile and grout demo.

Sewer chief's pay request would be budget-breaker

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Manager wants big increase in salary

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In further inquiry Mr. Fishburn stated he would forward salary studies to the board. (As of Jan. 11 I have received no such study from Mr. Fishburn).

During discussion by board members there seemed to be some support for this extreme salary increase despite the board's unanimous Dec. 9 decision to adopt a 2006 budget which caps merit increases at a 5 percent annual average. On conclusion of this salary escalation being discussed the board chairman recommended the item be placed on the Jan. 18 agenda item K-12 held at the district office at 5 p.m. This important issue could slip through unnoticed by the public with little or no fanfare.

The district's administrative functions are primarily supported by the municipal service taxing unit, a non-property tax on your Key Largo tax bill. The MSTU expires in 2007. Unrestrained salary increases may cause the district to request Monroe County to extend this unpopular taxing unit.

In June, the district's financial officer, Marty Waits, presented the board his five-year operating plan, which he noted on line 86 shows total fund deficits in 2006, 2009 and 2010. All of the numbers are strictly estimates with very little actual experience to back them up. However, they are a good indication of approximately where and when the district could have "start-up/growth" financial issues to address.

Waits reported at present that the Key Largo Park project under construction is now in a shortfall of \$1,088,191.

Approval of Mr. Fishburn's request will suck dry the 5 percent annual average merit increases in excess of \$3,250 of the amount budgeted (\$16,750) for all employees. No merit raise for the other employees.

The purpose of this letter is to raise public awareness of the need for fiscal restraint, to arouse public attention to the point of action. The action could be as simple as a phone call, e-mail or a brief visit to the board meeting at 5 p.m. Jan. 18 at 98880 Overseas Highway.

Lack of action could lead to Mr. Fishburn weaseling from the board for his personal pocket more of your tax dollars. If he is successful in this gouging endeavor he will be personally banking 30 percent of the district's total salary budget for himself.

Charles Brooks, commissioner, Key Largo Wastewater Board

Not leaving yet

Recently my comments were included in an article about "Halfbacks," people moving halfway back to their original northern home. The piece was written by my dear old friend Steve Gibbs. And I want to state up front that I am in no way upset with what he wrote or how it was presented. One day Steve called me and said he heard that I had bought some property in North Carolina. Knowing that I am originally from New Jersey, he wondered if I intended to become a "Halfback." He told me about the article he was writing. We chatted. I answered some questions, added a few comments and afterwards didn't think too much about it.

A few days later I recalled our conversation and realized there were more things I would like to have said. That's when it happened first in the grocery store, then at the post office, in a restaurant and on the phone. "Why didn't you tell me you were leaving?" "You are going to need a warmer hat than this one." "You taking your cat?" "Can I live in your house?" Etc., etc.

By that point I figured out that the article had hit the newsstands and thought, "Man, I've got to do something about this quick!" So I called Steve, we chatted and told me, "Jim, write a letter to the editor. A

Thank you

Congratulations to everyone who helped make this a successful holiday season for our local merchants. By shopping in town you help maintain the character and charm of our island community. Against a barrage of obstacles such as rising prices, Internet competition and a shrinking workforce, the mom-and-pop stores strive to keep that hometown feel.

A big thank you to Sue Miller and An Reckwerdt, secretary of the Islamorada Chamber of Commerce, for their efforts to bring attention to our retail stores. Also a gratitude to First State Bank and RE/MAX Tropical Realty for underwriting Islamorada shopping booklet and Web site.

To everyone who participated in Unique Shops of Islamorada Holiday Shopping Tour on Dec. 10 and those who decided to spend their hard-earned dollars here in town, we are grateful. Here's to a successful season for all the local retailers.

Remember, by shopping locally you not only save yourself the time, expense and aggravation of going to the mainland, you're doing your part to preserve the Islamorada community we all love. Continue to patronize the neighborhood shops and they will keep bringing you the great service.

OPINION

BECKY IANNOTIA
ED BLOCK
RALPH MORROW
SHIRLEY FREEMAN

Wastewater manager wants big increase in salary

Mr. Fishburn in June 2004 negotiated and received a two-year employment contract with The Key Largo Wastewater Treatment District. The position is for the top executive officer of the district to work directly under and at the direction of the KLWTD Elected Board Of Directors.

The agreed-upon salary for his position is \$92,000 annually. The contract commenced June 1, 2004, for a period of two years and will expire on May 31, 2006.

Fishburn placed on the Dec. 21, 2005, KLWTD agenda a request for a salary increase to \$106,000, plus a \$500 a month health-insurance payment. This amounts to a 22-percent increase in salary and benefits. This would bring his total compensation to \$112,000 annually. Fishburn would like for the new one-year contract to commence on February 1, 2006, four months prior to the expiration of his existing contract.

He is now wishing to renege on his existing contract and requesting a new one-year contract. Fishburn stated the reasoning for the one-year contract is so he may come back

Charles Brooks Guest Columnist

next year with anticipation of raising his salary to at least to \$120,000 per year. Fishburn's expectations, based on his evaluations of job value, would require the district to increase his salary \$20,000 in the year 2006 and an additional \$8,000 in the year 2007. What will be requested in 2008?

When inquiries came from the board requesting what Fishburn based his salary request on, his answer was "I believe that is what the job is worth." When asked, Fishburn said he had done a salary study of related jobs, but it was not favorable to the request, and therefore was not presented. Fishburn stated the study indicated a district our size could get an administrator for around \$80,000 annually. On further inquiry, Fishburn stated he would forward those salary studies to the board. No such study has been received from Fishburn by this Commissioner.

During board discussions there seemed to be some sup-

port for this extreme salary increase, despite the board's unanimous decision (resolution # 12-09-05) adopting the 2006 budget, which set merit increases not to exceed 5 percent annually. On conclusion of this salary escalation being discussed, the Board Chairman recommended the item be placed on the Jan. 18 agenda. This important issue could slip through unnoticed by the public with little or no fanfare.

The KLWTD administrative functions are primarily supported by the municipal taxing district, a non-ad valorem tax on your Key Largo tax bill. The district expires in 2007, but unrestrained salary increases may cause the district to request Monroe County to extend this unpopular taxing unit.

Financial Officer Marty Waits in June presented to the board his five-year operating plan, which he noted shows total fund deficits in 2006, 2009 and 2010. All of the numbers are strictly estimates with very little actual experience to back them up. However, they are a good indication of approximately where and when the District could have "start-up/growth" financial issues to address.

The report stated that at present the Key Largo Park Project under construction is now in a shortfall of \$1,088,191.

The Key Largo district board unanimously approved the 2006 budget restraining salary merit increases.

Approval of Fishburn's request will suck dry the merit increases for all employees.

The purpose of this column is to raise public awareness of the need for fiscal restraint, to arouse public attention to the point of action. The action could be as simple as a phone call or e-mail, or a brief visit to the board meeting on Jan. 18 at 5 p.m. at 98880 Overseas Highway. Lack of action could lead to Fishburn taking from the board for his personal pocket more of your tax dollars. If he is successful in this endeavor, he will be personally banking 30 percent of the district's total salary budget for himself.

I need your support.

Charles Brooks is a commissioner of The Key Largo Wastewater Treatment District. He can be reached by calling (305) 451-5271, or e-mailing cbrooks442@aol.com

Army Corp Status Report

Martin Waits reported that he has tried to contact Shelly Turlock but she was on vacation. He sent her a draft of a letter that the District wants to officially submit to her. Mr. Waits is awaiting a response from her.

Chairman Patton requested a monthly report on the Army Corp funds status.

Monthly Maximum Flow Billing Cut Off

Commissioner Bullock thinks that there is room to lower the cut off number. He reported that Mr. Fishburn had suggested putting off the decision until the District has had a year of operation. Commissioner Bullock stated that he does not see the over all impact on the budget if the limit is reduced.

Commissioner Tobin expressed concern over collecting the wastewater bill He suggested just going to a flat rate.

Chairman Patton said that the Board should look at the issue after a year's experience. If the cap is reduced it would only affect 1.3 percent of customers and the change may have to be reported to SRF.

Lateral Connection Status

Commissioner Brooks compliments the Staff on the Matrix.

Charles F. Fishburn reviewed the report on the number of people who have applied for permits and Approval to Proceed Letters and Building Permits.

Commission Tobin requested that Staff send a letter to the Federation explaining what the District is doing to help the residents.

Bulk Items

Minutes of January 4, 2006

Steve Gibbs requested that the article in the paper be identified as being in the "Reporter". Mr. Dillon corrected the spelling of sited on page 4 to sighted.

MOTION: Commissioner Bullock made a motion to approve the Minutes of January 4, 2006 as corrected. The motion was seconded by Commissioner Brooks.

Vote on motion

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

Motion passed 5 to 0

Financial Officer's Report

Pending Payments List

Martin Waits presented the Pending Payments List for January 18, 2006.

MOTION: Commissioner Bullock made a motion to approve the pending payment list of January 18, 2006 contingent upon the availability of funds. The motion was seconded by Commissioner Tobin.

Vote on motion

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

Motion passed 5 to 0

Options for Final Funding of KLP Project

Martin Waits, Finance Officer reported that the staff has reviewed the different options for additional funding of the KLP Project and have concluded that the funding should come from moving forward with a SRF Loan.

MOTION: Commissioner Tobin made a motion to approve the intent to move forward with applying for a SRF Loan to supplement to KLP funds. Commission Bullock seconded the motion.

Vote on motion

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

Motion passed 5 to 0

KLWTD Liability Insurance Status

Mr. Waits reported that he met with two companies and it seems that the District is too small for them to consider as an account. Staff will bring back the item at the end of February for action. Mr. Waits also reported that he is looking into other options for property insurance.

Inter-local Agreement with FCAA for Billing

Tom Dillon, District Counsel explained that the rate that will be charge to the District for FCAA processing the District billing and handling customer service would be \$2.05 per water meter.

MOTION: Commissioner Bauman made a motion to approve the Inter-local Agreement with FKAA for District Billing. Commissioner Tobin seconded the motion.

Vote on motion

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

Motion passed 5 to 0

Chairman Patton asked if Staff has heard anything back on the RFQ for the billing. He pointed out that those companies may be able to provide a professional web site for the District. Mr. Fishburn explained that the RFQ's are not due in until January 20, 2006. Mr. Dillon suggested that webmaster services be procured locally, if possible.

Legal Counsel Report

Public Hearing for Lien Legislation

Mr. Dillon stated that he has drafted legislation that inserts into the authorizing legislation statue for Key Largo Wastewater Treatment District Act words that say that unpaid District charges will become a lien against real property subject to the Save Our Homes Amendment. A public hearing will be held on January 20 at 5 PM at the Key Largo Library.

Area of Critical State Concern

Mr. Dillon, at Chairman Patton's request, emailed Representative Sorenson a list of his concerns for the District if the Area of Critical State Concern were removed. The first major concern is the loss of the requirement to have package plants connect to the system. It would be devastating because of the flow and revenue lost to the District. The second major issue is that the thirty day notice to hook up would become a year instead. Mr. Dillon also reported that the Monroe County Attorney is concerned with condemnation power being lost and he would piggy pack on their concern.

Chairman Patton said that he had talked to Representative Sorenson and that Representative Sorenson was planning on drafting legislation that would protect these special requirement concerns.

A Resolution on Establishing Initial Monthly Rates and Charges for Wastewater Collection, Transmission, Treatment, and Disposal.

Mr. Dillon explained that he has presented the Board with a marked up version of the resolution so that they may track the changes that were made. One change was that a new type of use "Serviced Mooring Space" like boatels and live a boards. He also has added Employee Housing Units. A definition for District Connection Policies has been added since the appeal process has been removed.

Commissioner Brooks questioned Commission Tobin on his statement of going to a flat rate. Commissioner Tobin stated that the District might want to explore going to a flat rate (two rate) charge for residential. It is not intended to replace the rate resolution.

After discussion among the Board members Staff was directed to remove the use of "Service Mooring Space" from the rate resolution at the current time. Staff was directed to bring back the resolution to the next meeting for action.

Engineer's Report

Monthly Report

Ed Castle reported that the debris pile of concern in the Key Largo Park has been removed to the lot that is being rented for that purpose. Paving in Key Largo Park will start on January 23, 2006. Mr. Castle estimates that the Key Largo Park will be finished around the end of March.

The Engineers walked the entire collection system line in the Key Largo Trailer Village collection system and came up with a relatively short punch list. There are a few minor things that need to be done. Ed Castle reported that a walk through of the Treatment Plant was done also. There is a long punch list for the plant because the walk through was premature.

Manager's Report

Mitigation for Treatment Plant Site

Charles F. Fishburn, General Manager reported that the County did not purchase the Buccaneer Point site that was intended for mitigation of the Treatment Plant site. He explained that the District, U.S. Fish and Wildlife, and the County are working on a plan to fill in an area on 905 to bring it up to historic elevation that it will meet the mitigation requirements.

Tom Dillon pointed out that the District would be restoring a habitat for the same endangered species that the plant site is a habitat for.

Commissioner Brooks complemented Staff for the work that they have done on the mitigation and pointed out that he is the one who said something that instigated the action.

Re-Inspection Fee

Mr. Fishburn requested that the Board set a re-inspection fee for the camera inspection of \$100. There are some cases when the inspectors have to go out three times.

After Board discussion the Staff was directed to investigate the problem and see if there is a way that the contractor can be penalized, and not the homeowner.

Commissioner's Items

Chairman Brooks asked for clarification on the minutes of the Arcadis meeting stating that the construction will not be complete until 2008. It was clarified that it is the

operation that will not begin until 2008. It is realistic to say it will take eighteen months to build the Regional Treatment Plant.

Adjournment

The KLWTD Board adjourned the meeting at 9:09 PM.

The KLWTD meeting minutes of January 18, 2006 were approved on July 12, 2006.

Claude M. Bullock

Chairman Claude Bullock

Carol Walker

Carol Walker, CMC
Board Clerk