

# MINUTES

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



June 21, 2006  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on June 21, 2006 at 5:00 PM. Present were Commissioners Gary Bauman, Charles Brooks, Andrew Tobin and Chairman Claude Bullock (by phone). Also present were General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker and all other appropriate District Staff.

The Pledge of Allegiance was led by Vice Chairman Bauman.

**Motion:** Commissioner Tobin made a motion authorize Chairman Bullock to participate by phone. Commissioner Brooks seconded the motion noting that there is a quorum of three Commissioners present.

### Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		

**Motion passed 4 to 0**

**Motion:** Commissioner Tobin made a motion authorize Vice Chairman Bauman to chair the meeting. Commissioner Brooks seconded the motion.

### Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		

**Motion passed 4 to 0**

### Approval of Agenda

The agenda was approved with the following changes: Commissioner Brooks added a discussion on the Florida Keys Water Quality Improvement Steering Committee meeting

and Commissioner Bauman requested a report on the BOCC June 21, 2006 meeting. Mr. Dillon moved Resolution 22-06-06 to Legal.

**Motion: Commissioner Tobin made a motion to approve the agenda as amended. Commissioner Brooks seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		

**Motion passed 4 to 0**

**Public Comment:** The following persons addressed the Commission; None

**Commissioner's Items**

*MSTU Funding for 2007*

Staff was directed to write a letter to the County requesting that the KLWTD MSTU be maintained at .3185 for 2007.

*Appointment Process for new Commissioner*

Commissioner Tobin announced that Whit Van Cott has withdrawn his application for appointment leaving four persons to choose from. The Board requested that the District Clerk contact each applicant and inform them that they are invited to give a five minute presentation at the July 12 meeting.

*Florida Key Water Quality Improvement Steering Committee Meeting*

After Board discussion Commissioner Brooks was tasked with presenting the FKWQISC the District's concerns with the following: the Project Development Team not representing the citizens of Monroe County proportionately, members who have received funding and having no stake in current funding, still being allowed to vote on the distribution of funds, and the fact that the Project Development Team is not in control of the meeting. The District's Counsel, Manager and Engineer will be attending the meeting on July 25 with Commissioner Brooks.

*BOCC Meeting of June 21, 2006*

Commissioner Brooks reported on the District's presentation on their Facilities Plan.

The discussion was then turned to the \$18 million from the State of Florida and the County setting a workshop to discuss the allocation of the \$18 million.

**Motion: Commissioner Brooks made a motion to make a formal request to the Department of Environmental Protection for the 2006 budgeted allocation of \$18 million dollars from the State of Florida giving the District's position on all eleven criteria. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		

**Motion passed 4 to 0**

The Board requested that the Facilities Plan be sent and that the BOCC be sent the resolution also.

**Bulk Items**

*Pending Payments List of June 21, 2006*

*Minutes of KLWTD Meeting on June 7, 2006*

**Motion: Commissioner Brooks made a motion to approve the Bulk items. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Bauman</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		

**Motion passed 4 to 0**

*Drug Free Workplace Policy*

The Board requested that the Drug Free Workplace Policy be brought back to the next meeting.

**Engineers Report**

*Monthly Status Report*

Ed Castle gave a verbal update of what has been happening with the District's projects. He reported that he has been given the redline as builds' for Key Largo Park. The "Authorization For Use" should be coming in soon. The punch list for the plant is still being worked on.

*Lateral Connection Report*

Mr. Castle reviewed the lateral connection report.

**Legal Report**

*RESOLUTION NO. 22-06-06*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT MICHAEL CLEMMONS FOR DESIGNATION OF THREE TAX PARCELS AS PARCELS EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

Tabled

*Monroe County Property Appraiser Data Disclosure Agreement*

Mr. Dillon explained the agreement.

**Motion:** Commissioner Tobin made a motion to approve the Monroe County Property Appraiser Data Disclosure Agreement and the charge of \$35 an hour for the work to get the information that the District requires. Commissioner Brooks seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		

**Motion passed 4 to 0**

*RESOLUTION NUMBER NO. 21-06-06*

*A PRELIMINARY RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.*

Mr. Dillon explained Resolution No. 21-06-06 will cover Basin's "A" and "D" and the Commercial Properties along US 1 from 100.5 MM to 106 MM. The Board approved August 9, 2006 for the Non Ad-Valorem Assessment Resolution public hearing date.

Commissioner Tobin explained that he will be voting against the resolution because he objects to the increase in the assessment cost due to inflation.

**Motion:** Commissioner Brooks made a motion to approve on Principal Resolution No. 21-06-06. Commissioner Tobin seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin		X	

**Motion passed 3 to 1**

**General Manager's Report**

*Letter to KLV Property Owners who have not started the connection process*

Commissioner Tobin requested that the last paragraph be changed to read "If you do not begin the connection process in a timely fashion, we will have no alternative other than to

refer the matter to Monroe County Code Enforcement Department. You can avoid this time consuming and costly process by visiting our office and beginning the connection process.”

**Motion: Commissioner Brooks made a motion to approve the letter (with change) to KLTV property owners who have not pulled an Approval to Proceed Letter. Chairman Tobin seconded the motion.**

**Vote on Motion**

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		

**Motion passed 4 to 0**

*Calusa Campground Letter*

After discussion the Board decided to change the September 1, 2006 date in the sixth paragraph of the Calusa Campground letter to March 1, 2007 and add the sentence “The District believes that with reasonable diligence this is a reasonable amount of time to design, build, and permit your system

**Motion: Commissioner Brooks made a motion to approve the Calusa Campground letter as amended by the Board. Commissioner Tobin seconded the motion.**

**Vote on Motion**

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		

**Motion passed 4 to 0**

**Commissioner’s New Items and Roundtable**

N/A

**Adjournment**

The KLWTD Board adjourned the Board Meeting at 6:50 PM.

The KLWTD meeting minutes of June 21, 2006 were approved on July 26, 2006.

*Claude M. Bullock*

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Chairman Claude Bullock

*Carol Walker*

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Carol Walker, CMC  
Board Clerk

## ATTACHMENT "A"

**From:** Willi-Tom

**Date:** 07/12/06 16:18:15

**To:** Spehar-Dixie

**Cc:** County Commissioners and Aides; colleen.castille@dep.state.fl.us; cbrooks442; Wood-Liz; Koppel-Dave; Reynolds-Jim

**Subject:** RE: THERE IS NO VALIDATION THAT ANY EXCEPT KEY LARGO MEET THESE REQUIEMENTS-KEN

Commissioner,

The criteria for funding eligibility is listed below.

Is designed to meet the wastewater treatment and disposal requirements in Chapter 99-395, Laws of Florida, as amended;

The proposed Big Coppitt, Summerland, Cudjoe, Sugarloaf and Duck Key projects all meet this requirement.

Is included in the Monroe County Sanitary Wastewater Master Plan or other formally adopted planning document addressing engineering and financing;

The proposed Big Coppitt, Summerland, Cudjoe, Sugarloaf and Duck Key projects are incorporated in the WWMP and therefore meet this requirement.

Involves exclusively construction or design-build;

Has been openly procured among contractors qualified to build wastewater facilities in the physical environment of the Florida Keys;

The proposed Big Coppitt, Summerland, Cudjoe, Sugarloaf and Duck Key projects are design-build or construction, all openly procured and, therefore meet this requirement.

Is to be located on sites acquired no later than March 1, 2007;

Sites already acquired, therefore meeting this requirement.

Will initiate construction no later than May 1, 2007;

Big Coppitt and Duck Key can easily meet this deadline. The project will be ready to bid by the third quarter of 06'.

Will result in the completion of entire facilities or significant phases of facilities;

7/12/2006

The proposed projects will complete entire facilities.

Leverages other moneys (local funds, including local bonding; Department of Environmental Protection State Revolving Fund loans; or other sources of money) to the maximum extent possible;

The projects will include MSTU collections, connection assessments derived from end users as well as Fund 304 Capital and SRF monies.

Shall provide at least a 60 percent match from any other sources except a direct line item appropriation from the State Legislature.

The above revenues committed to the project exceeds the 60% match requirement (18+ million).

Has in place a system of user charges, fees, assessments, or other funding mechanisms to pay for the completion of construction and long-term operation and maintenance of the project; and

Assessment levied by BOCC, operations, construction, maintenance by the FKAA.

Provides mechanisms to ease the cost-burden of the project on low-income residents.

Using available CDBG funds to offset connection charges and onsite later costs.

The proposed projects meet all of the above criteria.

*Thomas J. Willi*

County Administrator  
The Historic Gato Cigar Factory  
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Please note: Florida has a very broad public records law. Most written communications to or from the County regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure

**From:** Spehar-Dixie

**Sent:** Wednesday, July 12, 2006 3:10 PM

**To:** Willi-Tom

**Subject:** FW: THERE IS NO VALIDATION THAT ANY EXCEPT KEY LARGO MEET THESE REQUIEMENTS-KEN

I would like to know your response.

7/12/2006