

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



July 12, 2006
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on July 12, 2006 at 5:00 PM. Present were Commissioners Gary Bauman, Charles Brooks, Andrew Tobin and Chairman Claude Bullock. 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 Commissioner Tobin.

Chairman Bullock pointed out that on the second page of the agenda in the footer the date says June 21, 2006 but it is the second page of the agenda for July 12, 2006.

Approval of Agenda

The agenda was approved with the following changes: Commissioner Brooks added Resolution No. 21-06-06 to the Legal Report and Mr. Dillon added Resolution No. 23-06-06 to the Legal Report. Commissioner Brooks would like to include a discussion about the \$18 million grant with item seventeen.

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

Vote on Motion

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

Motion passed 4 to 0

Public Comment: The following persons addressed the Commission; None

Presentation by Louis Betz

Mr. Louis Betz, Governmental Representative Consultant, from Tampa Florida. Mr. Betz explained to the Board what he does for his clients concerning the Legislative Body in Tallahassee. He then answered questions from the Board.

Commissioner's Items

Appointment of new Commissioner

Howard Gelbman, Norman Higgins and Kevin Wilson made presentations to the Board and answered questions from the Board.

Discussion about the Board Appointment followed the presentations.

Motion: Commissioner Bauman made a motion to appoint Norman Higgins to complete Commissioner Patton's term on the KLWTD Board. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Carol Walker the District Clerk swore in Norman Higgins as the new KLWTD Commissioner.

PBS&J

Commissioner Tobin stated that there is a Federal Audit of PBS&J. He would like Staff look into the matter as it relates to the District.

Bulk Items

Minutes of KLWTD Meeting on January 18, 2006

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

Vote on Motion

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

Motion passed 5 to 0

Drug Free Workplace Policy

District Counsel Thomas Dillon explained that he edited the policy for the District.

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

Vote on Motion

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

Motion passed 5 to 0

Engineers Report

Monthly Status Report

Charles F. Fishburn reviewed the written report from Weiler Engineering.

Commissioner Brooks requested that Staff send a letter to the County to find out the timeline for paving the roads in Key Largo.

Commissioner Tobin would like to pass a resolution and report to the County (on the agenda) at their meetings in Key Largo (starting in August) as to what the District is doing.

Lateral Connection Report

Mr. Fishburn reviewed the lateral connection report.

Financial Officer's Report

Pending Payments List of July 12, 2006

Mr. Waits explained the changes to the pending payments list.

Motion: Commissioner Brooks made a motion to approve the Pending Payments List for July 12, 2006. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Monroe Co. \$20 Million Grant Advance Amendment

Motion: Commissioner Brooks made a motion to approve the Monroe County \$20 million Grant Amendment. Commissioner Bauman seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

SRF Loan Debt Service Bank Account

Commissioner Tobin requested that the District Resolution requiring two signatures be added to the bank's contract.

Motion: Commissioner Tobin made a motion to approve the SRF Loan Bank Account with the amendment that the District Resolution requiring two signatures be added to the Bank's Contract. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Project Status Reports

Mr. Waits reported that the KLTV project is essentially complete with only the Haskell and Fluidyne retainage still to be disbursed. He also reported that the KLP Project is essentially complete with only ADB retainage still to be disbursed. System Development Fees in the amount of approximately \$90,000 will be used to complete the project.

FY 2006 Outlook vs Budget

Mr. Waits reviewed the Revenues and Expenses for Administration and Construction Management as well as the Revenues and Expenses for the Wastewater Service Operations as presented in the agenda package.

The Board requested that a separate report on payroll be done because the current one showing the splitting between projects tends to be confusing.

FY 2007 Budget Process and Framework

Mr. Waits presented the following schedule for the FY 2007 Budget Process:

- July 12, 2006 FY2006 Outlook vs Budget/Basis for budget development
- July 26, 2006 Preliminary Operating Budgets/5 year projections
- Aug. 9, 2006 Preliminary Capital Budget /5 plant
- Aug. 23, 2006 Proposed FY2007 Budget Resolution
- Sept. 6, 2006 FY2007 Budget Resolution
- Sept. 20, 2006 Back-Up date for Budget Resolution

Mr. Waits then reviewed the FY 2006 Outlook vs Budget report in the agenda package.

Financial Officer's Report

Mr. Waits reported that the first billing for KLTV customers has gone out. He then reviewed the Status of the 2005 Assessment collections as presented in the agenda package.

The Board approved the "30 Day to Connect Notice" for Key Largo Park and Sunset Waterway.

The implications of the \$18 million state grant funds were reviewed. Mr. Waits said that the North Components Project was constricted by the amount of money we thought that we had or could raise; the \$20 million was the base nut that went with the assessment value to do a \$40 million project. And we took Basin "A" and Basin "D" and a Regional Treatment Plant and called that the Project. But when we do Basin "D" it's got to have a Vacuum Station. The Vacuum Station we are going to put in a sense is twice as big as you need for Basin "D" because Basin "C", when you do it, is going to share that Vacuum Station. Same way with Basin "A", it is going to have a Vacuum Station but we are going to put it in twice as big as needed so to speak and have the land in the area, because Basin "B" is eventually going to share it. Well, it only makes sense if you got enough money to do the grant share as well as the assessment share and do Basin "B" and "C" its is like a natural extension, you are engineering these areas already. You got the Engineers rolling on it you know, if you want to you can even just extend the change order to your projects and get "B and "C" engineered after "A" and "D". And now what your have done is made a northern half project instead of just a northern components with this hole in the center of it.

Commissioner Tobin said that the \$18 million gives the District the ability to critical mass to make the whole thing happen. There is an economy of scale. The \$6 million does not give the District the ability to critical mass.

Legal Report

Call-in Participation at Board Meetings

Mr. Dillon reviewed the agenda backup and answered questions regarding call-in participation at KLWTD Board meetings.

Commissioner Tobin would like to limit call-in participation to a specific agenda item. Commissioner Brooks would like to take it case by case.

The Board directed Mr. Dillon to bring back a resolution to cover call-in participation.

RESOLUTION NO. 22-07-06

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.

Motion: Commissioner Tobin made a motion to approve Resolution No 22-07-06. Commissioner Bauman seconded the motion.

Vote on Motion

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

Motion passed 5 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 Resolution No. 21-06-06. Commissioner Bauman seconded the motion.

Vote on Motion

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

Motion passed 3 to 2

Mr. Waits complemented Syndi Trakul for her work on the Assessment Resolution.

General Manager's Report

RESOLUTION 24-07-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING ALLOCATION OF STATE FUNDS FOR WASTEWATER TREATMENT PROJECTS

Commissioner Tobin requested that Mr. Waits' explanation of the critical mass be added to the resolution. Commissioner Bauman requested that all of the "whereas" clauses from the Key Largo Chamber of Commerce's resolution be added to the District's resolution.

Motion: Commissioner Tobin made a motion to approve Resolution No. 24-07-06 with the proposed additions as Mr. Dillon sees fit. Commissioner Bauman seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

\$18 Million Grant

Commissioner Brooks pointed out that the Board had asked Mr. Fishburn for a written break down of the 11 points that were in the proviso 1818. The Board has not seen it yet. He would like it to know the Districts true status. Mr. Fishburn had also been asked for the information on what the other side has and how they stand.

Commissioner Brooks reviewed the email from Tom Willi to Dixie Spehar (see attachment "A"). He would like to have the workshop with the County on the \$18 million grant division. Commissioner Brooks also point out that Marathon is proposed to receive \$1 million of the \$18 million and they are not in unincorporated Monroe County.

Mr. Waits explained that the District could take \$13 million as a fall back position and do “B and “C” and the rest of “E”. \$11 million would do “B” and “C”.

Commissioner Bauman stated that the District should not argue that the County does not meet the requirements but that the District does. He would also like to see a workshop with the County.

Commissioner Tobin stated that he feels that the District should not ask for a workshop with the County. He feels that the District should give information to the BOCC at a public meeting not at a workshop.

Commissioner Brooks would like to go to the BOCC and push for the workshop.

The Board directed Mr. Waits to write up what the District intends to do with \$12 million and what the negative consequences would be with less than the \$12 million.

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 July 12, 2006 were approved on July 26, 2006.



Chairman Claude Bullock



Carol Walker, CMC
Board Clerk