

MINUTES

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



April 1, 2008
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on April 1, 2008 at 4:00 PM. Present were Chairman Gary Bauman, Commissioners Susan Hammaker, Norman Higgins, Claude Bullock, and Commissioner Andrew Tobin. Also present the General Manager Charles F. Fishburn, District Counsel Thomas M. Dillon, District Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Bauman.

APPROVAL OF AGENDA

Chairman Bauman moved the Youngquist Brothers Protest to number three. District Counsel Thomas Dillon took off the Calusa Closed Session from the agenda and moved the Procurement Policy off of the Bulk Items.

Motion: Commissioner Tobin made a motion to approve the Agenda as amended. Commissioner Bullock seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

PUBLIC COMMENTS: The following persons addressed the Commission: Jerry Wilkinson, 38 E. Beach Rd, and Burke Cannon, of Tavernier, and Raymond Demeritta, 976 Plantation Road, Ron Miller, 206 W. First Ct, Wayne Carter, 241 S. Coconut, Charles Brooks, Key Largo, Kay Thacker, 9 Snipe Rd, Jim Saunders, 701 Garden State Lane, Pauline Klein, of Key Largo all spoke in favor of Resolution 06-04-08. Jerry Wilkinson and Kay Thacker addressed the Youngquist Brothers Bid Protest. D.A. Aldridge requested that the District consider allowing residents to voluntarily pay their assessment now rather than wait to be assessed.

COMMISSIONER'S ITEMS

Water Conservation Month Proclamation

Motion: Commissioner Tobin made a motion to approve the Water Conservation Month Proclamation. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

PCA

RESOLUTION NO. 06-04-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS RESOLVING THAT THE KEY LARGO WASTEWATER TREATMENT DISTRICT WILL PURSUE FINANCIAL ASSISTANCE FROM ALL SOURCES; AND WILL PARTNER WITH OTHER KEYS ENTITIES TO DIVIDE FUTURE FUNDING AND TO DISPLAY UNITY TO SUPPORT THE FY09 FUNDING, AND TO SEEK A PROVISION TO REDEFINE THE FLORIDA KEYS WATER QUALITY IMPROVEMENT PROGRAM AS ENVIRONMENTAL RESTORATION; AND TO DIRECT STAFF TO AMEND THE DISTRICT'S PCA AGREEMENT" AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Commissioner Hammaker explained that the resolution will send a positive message to Congress, to US Congresswoman Ileana Ros-Lehtinen, to the Army Corp of Engineers, and to the KLWTD's partners in Monroe County that the District will pursue the Army Corp monies with a unified effort. The resolution will not disrupt any plans to put shovels in the ground.

Commissioner Hammaker commended the District Staff, and the District Board, on behalf of all of the 14, 000 customers on the Island of Key Largo, for the historic progress that the Key Largo Wastewater District has made.

Motion: Commissioner Hammaker made a motion to approve Resolution No. 06-04-08. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Commissioner Hammaker recognized Pam Martin for her assistance with the Army Corp.
(Applause)

Procurement Policy Amendments

District Counsel Thomas Dillon introduced the amendments to the Procurement Policy.

Motion: Commissioner Tobin made a motion to approve the amendments as presented in the agenda package of April 1 with the exception of removing the word "Clerk" from page 46 4-401-03-2. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

LEGAL COUNSEL REPORT

Youngquist Bid Protest

District Counsel Thomas Dillon recommended that the District accept the recommendation of the Hearing Officer David Kirwan and also terminate the current procurement allowing the Staff to come back to the next meeting with a competitive procurement package.

Ed McCullers, Youngquist Brothers, told the District that they put a lot of effort into their Bid. He respectfully asked that the District negotiate a reasonable price with Youngquist based on some modified terms and conditions.

Commissioner Hammaker asked Mr. McCullers do you have specific recommendations that the District could apply to a new procurement. Mr. McCullers said he does not think that that would be appropriate with his competitor sitting in the audience, but would like the opportunity to talk to the District.

Commissioner Hammaker wanted to know to what contingency was Mr. McCullers referring to at the last meeting. Mr. McCullers said that there was 1000 hours of standby time. There was a total of \$250,000 in contingencies that would not have been on a lump sum bid. Mr. McCullers said that one of things that would be an unforeseen condition that might result in additional compensation would be if the rig was to be slowed down for one reason or other. He also stated that he would expect to submit a lower bid for a lump sum contract.

Commissioner Hammaker asked Mr. McCullers if there was any advice he would give the District if they were going to do a new competitive bid. His advice was to do a fixed price lump sum contract

David Webb, All Webb Enterprises, Incl., stated that they have been working on injection wells for ten years. They have done all aspects of drilling for an injection well. He recommends rebidding the project.

Mr. Dillon pointed out that in the hearing Youngquist through their attorney made extensive arguments that if the procurement was not stopped then the District would have to accept the lowest responsive bidder that being Youngquist. That it is not consistent with Youngquist's position as stated by Mr. McCullers, that Youngquist would like to negotiate with the District for a lower price.

Commissioner Bullock asked Mr. Fishburn if rebidding would have any time impact on the plant completion date. Mr. Fishburn stated that he did not believe that the deep well was crucial to the critical path until the District gets above a million gallons a day. Worst case would be that both the plant and the wells share a staging area.

Commissioner Tobin asked Mr. McCullers if the District would go out to bid again would there be litigation over it. Mr. McCullers answered that it would be the District's right to do that.

Motion: Commissioner Tobin made a motion to approve the recommendation of the Hearing Officer to reject all bids for the Deep Well and award Youngquist their reasonable documented bid preparation cost. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

COMMISSIONER'S ITEMS

GLEE

The Board approved having a booth at the GLEE Expo and Chairman Bauman will man the booth.

BULK ITEMS

Minutes of March 18 and Feb. 19, 2008

Pending Payments

Assessment Appeal Marine Resources Development Foundation

RESOLUTION NO. 05-04-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MARK AND CYNTHIA GRUNZE FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Higgins made a motion to approve the Bulk Items with the Pending Payments being contingent upon the availability of funds. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

ENGINEER'S REPORT

Monthly Report

Mr. Castle answered questions on his submitted written report. Commissioner Bullock asked about the current delay in the plant design and Mr. Castle explained that the delay was with Arcadis not the County.

The District is planning on having the availability for all of the package plants to be able to hook up by June 2010.

FINANCIAL REPORT

N/A

LEGAL REPORT

Calusa Campground

Closed session was cancelled.

2008 Assessment

Mr. Dillon explained that the schedule is much more aggressive this year than in past years. He is planning on having the Public Hearing on June 17, 2008, if the information is available. The adjustment of the assessment for 2008 is \$5,200.00 based on the CPI.

House Bill 1231

Mr. Dillon reviewed the rewrite of House Bill 1231 that states that the District will provide a notice to the County on what is going to be built.

Commissioner Tobin requested that Mr. Dillon brings an item to the Board before he rejects it.

Commissioner Tobin pointed out that the legislative process is a process of refinement.

GENERAL MANAGER'S REPORT

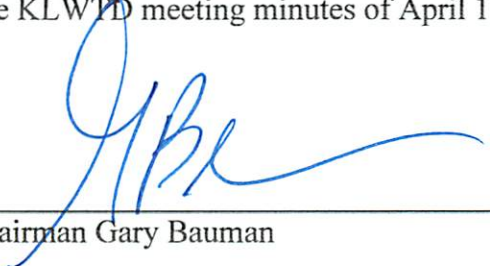
Pilot Plant Disposition

The Board directed staff to bring back options of what to do with the package plant in a year and a half.

ADOURMENT

The KLWTD Board adjourned the Board Meeting at 5:44 PM.

The KLWTD meeting minutes of April 1, 2008 were approved on April 15, 2008.



Chairman Gary Bauman



Carol Walker, CMC
District Clerk