

MINUTES

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



June 3, 2008
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on June 3, 2008 at 4:00 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Claude Bullock and Acting Chairman 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 Commissioner Tobin.

APPROVAL OF AGENDA

Charles F. Fishburn, General Manager, moved Tab 3 (County Road 905) to 5:30 PM, and he asked that Tab 2 (Invitation to Frederick Bloetscher) and Tab 16 (Deep Well Status) be presented together, also, Tab 15 (Hurricane Preparation) was moved up to Tab 1 (Employee Policy and Procedures) and Martin Waits removed Tab 4 (Pending Payments) from the Bulk Items.

The amended agenda was approved by consensus.

PUBLIC COMMENTS: The following persons addressed the Commission: D.A. Aldridge, Tavernier, and Burke Cannon, Tavernier, thanked Charles Fishburn, General Manager for his presentation to the Tavernier Community Association and they also thanked Commissioner Hammaker for her presence at a the same meeting to talk to the residence.

COMMISSIONER'S ITEMS

Employee Policy and Procedures

Hurricane Preparation

Mark Weiss reported on the Hurricane Summit that he had attended in Jacksonville, FL. He reported that the District is in the process of joining FlaWARN to aid the District in emergencies. Mr. Weiss is working on the District Hurricane Plan and it is well under way.

Paul Turick is working on a draft of a District Safety Policy. Mr. Fishburn reported that after the plan is finished it will be presented to the Board.

Commissioner Hammaker asked if the District's files reflect that drug testing and background checks have been done for every employee. Mr. Fishburn stated that the files will reflect that there has been testing and background checks.

Commissioner Hammaker asked if performance reviews are done on an annual basis and are raises or merit increases concurrent with performance evaluation. Mr. Fishburn answered no.

Commissioner Hammaker asked if all disciplinary actions are documented in the files and does the District have a written whistle blower policy and a venting mechanism? Mr. Fishburn stated that the District does not have a whistle blower policy but he will have Mr. Matthews look into it.

Commissioner Hammaker asked if the District does exit interviews with a disinterested party. Mr. Fishburn stated that Mr. Matthews was doing the exit interviews. Commissioner Hammaker asked if there is a policy prohibiting working another job for pay during KLWTD paid time. Mr. Dillon, District Counsel, stated that the contract for each employee addresses this issue and it has to be approved by the Manager based on whether it interferes with the employee's job; there have been letters issued giving permission for outside work.

Commissioner Hammaker asked if there was a time clock for non-exempt employee use and are the time cards submitted with the time sheets. Mr. Fishburn explained that there is a time clock but it is not being used.

Invitation to Frederick Bloetscher, Deep Well Expert.

Commissioner Tobin requested that the Board issue an invitation to Mr. Bloetscher, PhD, PE, and expert on deep wells, to speak at the June 17th meeting.

The invitation was approved by consensus.

Deep Well Status

Ed Castle reported that ARCADIS was contracted to design and permit a 2.3 MGD treatment and disposal facility. The design of the treatment plant will accommodate 2.3 MGD, but it cannot be permitted at that capacity unless a second deep injection well is designed and permitted (or if reclaimed water becomes the primary means of disposal). The District currently has a permit for a 0.95 MGD treatment plant with a permit for a single deep injection well. It should be noted that the District does not need a deep injection well for a plant permitted at 0.95 MGD. Shallow wells could be used for a plant that size.

Mr. Castle is looking at starting to work on the permit for the second well now and rebid the well with an add alternate for the second injection well assuming that the permit will come in before the first well is done and it can be put in. If something happens before the second well is put in the District can cancel it.

BULK ITEMS

Pending Payments of June 3, 2008

Martin Waits explained that the invoice for the assessment mailing had been added to the list.

Motion: Commissioner Higgins made a motion to approve Pending Payments for June 3, 2008 as amended contingent upon the availability of funds. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Minutes of May 6 and May 20, 2008

Motion: Commissioner Higgins made a motion to approve the Minutes of May 6 and May 20, 2008. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

RESOLUTION NO. 10-06-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING 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 Resolution No. 10-06-08. Commissioner Bullock seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

ENGINEER'S REPORT

The Board requested that Mr. Castle correlate the revised Facilities Build Out Construction Schedule with a Critical Path Schedule for the next meeting.

Grease Trap Letter

Mr. Castle explained that the fine for unreasonable high biochemical oxygen demand is two fold. It is to help pay for the added expense to treat the effluent and to discourage the discharge of effluent with unreasonable high biochemical oxygen demand in the first place.

FINANCIAL REPORT

**RESOLUTION NO. A RESOLUTION OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT REQUESTING THE MONROE
COUNTY BOARD OF COUNTY COMMISSIONERS TO LEVY A
MUNICIPAL SERVICES TAXING UNIT AD VALOREM TAX UPON TAX
PARCELS WITHIN THE DISTRICT AT THE RATE OF 0.35 MILS FOR A
PERIOD OF ONE YEAR TO BE COLLECTED IN 2008, AND PROVIDING
FOR AN EFFECTIVE DATE**

MSTU Extension

Chief Financial Officer Martin Waits explained that since the District is six months behind schedule in bringing the Regional Treatment Plant on line with revenue coming in. He suggest that the District ask the County for an additional MSTU of .35 mils for one year. Mr. Waits explained that a MSTU would cost the tax payer less than the District having to borrow money for administrative cost.

Commissioner Hammaker asked if the District could look into other ways to raise money.

Commissioner Higgins asked if assessment money could be used for administrative cost or if grants could be used. Mr. Dillon explained that the assessment money could not be used and the grants are on a reimbursement basis.

Commissioner Bullock stated that he did not want to see another tax on the property tax bill but he understands that the District has to come up with the money.

Commissioner Tobin preferred asking for .10 mils for two years and if there is a short fall then the District could go to the bank for a loan.

Motion: Commissioner Tobin made a motion to request the County to levy a MSTU for .10 mils for one year.

Motion fails for the lack of a second.

County Road 905

Bill Brookman representing the Florida Department of Health and the County Health Department addressed the Board. They are very interested in CR 905, it is a Cold Spot and enforcement is their responsibility. Their jurisdiction is anything less than 10,000 gallons a day. They would do permitting and inspections on the individual systems but the District could choose to maintain the systems once installed.

Mr. Brookman explained that there are currently three systems approved that would meet the 2010.5 standards for Monroe County with an estimated cost of \$22,000 per house but several homes can be connected together reducing the cost per house. There are 101 properties that have to be upgraded on CR 905 and on the County line. Mr. Brookman explained that there are a number of compliant systems already installed in the area.

The Health Department sent letters in 2001 to all undocumented systems letting them know about grant money available and 10 or 15 property owners took advantage of the program and updated their systems.

If the District Engineers review and approve the performance based systems for the homeowners it would save them some money.

District Staff was directed to look into the area and bring back a report to the Board.

RESOLUTION NO. 11-06-08 A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AUTHORIZING THE ESTABLISHMENT OF DISTRICT BANK ACCOUNTS, DESIGNATING CERTAIN DISTRICT OFFICERS AND DISTRICT STAFF AS AUTHORIZED SIGNATORS ON THE DISTRICT'S BANK ACCOUNTS, AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Tobin requested that the resolution be amended to include a statement that says that the Chief Financial Officer will report to the Board on an annual basis any recommendations or changes he feels necessary.

Motion: Commissioner Higgins made a motion to approve Resolution No. 11-06-08 with the amendment. Commissioner Tobin seconded the motion as amended.

Vote on Motion

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

Motion passed 4 to 0

MSTU

Burke Cannon, D.A. Aldridge, and Chris Gardner of Tavernier, recommended asking the County for a one year MSTU at .12 mils. Charles Brooks, Key Largo suggested that the District cut down on expenses and hold a referendum.

Motion: Commissioner Tobin made a motion to ask the County for a one year MSTU at .12 mils and have the District advertise their intent and hold a public hearing. Commissioner Hammaker seconded the motion.

Commissioner Higgins stated he is against any MSTU and does not want a public hearing.

Commissioner Bullock stated he would lean toward a .12 mil MSTU for one year with a public hearing to let the people know why it is being asked for.

Commissioner Tobin withdrew his motion. Commissioner Hammaker withdrew her second.

Motion: Commissioner Hammaker made a motion to ask the County for a one year MSTU at .12 mils.

Failed due to the lack of a second.

Motion: Commissioner Tobin made a motion to have an advertised public hearing for a one year MSTU at .12 mils.
Failed due to the lack of a second.

PCA Update

Mr. Waits reported that he received a draft of the PCA amendment from Shelly Turlock. There was a very satisfactory meeting with the Army Corp.

LEGAL REPORT

Employee Policy Amendment

Mr. Dillon introduced the amended Employee Policy.

Commissioner Tobin requested removal of the wording “the Clerk remove” and replacing it with “the District shall remove”.

Motion: Commissioner Hammaker made a motion to approve the Employee Policy as amended removing “the Clerk” and replacing it with “the District”. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

GENERAL MANAGER’S REPORT

Basin “B” Phase I Notice of Award

Charles Fishburn reported that Staff recommends awarding Basin B Phase I bid to Ric-Man International.

Motion: Commissioner Higgins made a motion to approve the Staff recommendation that Ric-Man International be issued the Notice of Award for Basin B Phase I. Commissioner Bullock seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Hurricane Preparedness

Motion: Commissioner Bullock made a motion to approve the purchase of Hurricane Preparedness Supplies at the cost of \$15,000. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

The regular session of the KLWTD Commission meeting was recessed at 6:22 PM. The Key Largo Wastewater Treatment District Board went into Attorney/Client Session to discuss Calusa Campground settlement strategy. The following persons were in attendance: Acting Chairman Andrew Tobin and Commissioners Claude Bullock, Norman Higgins, and Susan Ford Hammaker. Also in attendance were General Manager Charles Fishburn, and District Counsel Thomas Dillon, and the court reporter. A transcript of the session will be made and sealed until the Calusa litigation is concluded.

The Commission returned from the Attorney/Client Session at 6:37 pm and reconvened the public meeting.


ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 6:38 PM.

The KLWTD meeting minutes of June 3, 2008 were approved on June 17, 2008.



Chairman



Carol Walker, CMC
District Clerk