

# Key Largo Wastewater Treatment District (KLWTD) Meeting



Dec. 21, 2010  
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Robert Majeska, Commissioners Norman Higgins, Charles Brooks, Andrew Tobin, and Susie Hammaker. Also present the District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Higgins led Pledge of Allegiance.

## APPROVAL OF AGENDA

Commissioner Hammaker added an item making Margaret Blank Interim Manager until Mr. Fishburn comes back from vacation. She would like items 3, Review of Decision Making Process in Selection of CFO and 4, Reconsideration of Board Vote of CFO combined into one item. Also, she would like a policy set that would send any accusation of wrong doing to the State Attorney's office. Commissioner Higgins deleted item 5, Customer Service and asked that item 8, Employees' Salaries be moved to the beginning of Commissioner's Items. Commissioner Tobin deleted items 8, Ad on Contractors Retainage and 9, Very Low Income. Margaret Blank requested that Customer Service be placed back on the agenda. Item 7, CDBG was moved to 4:30 PM.

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

## Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Hammaker	X		

**Motion passed 4 to 1**

## PUBLIC COMMENT

The following persons addressed the Commission:

Speaker; Donna Dietrick 46 Dolphin Rd	Subject; Hook up at her property
Speaker; David Asdourian, 156 S. Bay Harbor Dr.	Subject; Commissioner Hammaker's remarks
Speaker; Burke Cannon, Hammer Point	Subject; Work at Hammaker Point
Speaker; Sue Heim, Key Largo	Subject; Salaries

Speaker; Kay Thacker, Key Largo  
Speaker; Dr. Susan May, Key Largo

Subject; Salaries (Exhibit "A")  
Subject; Sal Zappulla

**FINANCIAL REPORT**

*Pending Payments*

Syndi Lankford explained the added invoice.

**Motion:** Commissioner Brooks made a motion to approve the pending payments as amended contingent upon the availability of funds. Commissioner Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	X		
<b>Chairman Majeska</b>	X		
<b>Commissioner Tobin</b>	X		
<b>Commissioner Brooks</b>	X		
<b>Commissioner Hammaker</b>	X		

**Motion passed 5 to 0**

*CDBG*

Mr. O'Brien called in to answer questions about the Community Development Block Grants.(See Exhibit "B")

*PRMG Contract*

Mr. Dillon stated that the current contract meets the District standards.

**Motion:** Commissioner Tobin made a motion to approve the PRMG Contract. Commissioner Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	X		
<b>Chairman Majeska</b>	X		
<b>Commissioner Tobin</b>	X		
<b>Commissioner Brooks</b>		X	
<b>Commissioner Hammaker</b>	X		

**Motion passed 4 to 1**

**GENERAL MANAGER**

*Interim Manager*

Board decided it was not necessary.

*Customer Service*

Margaret Blank would like to have Greg Matthews moved to customer service.

**COMMISSIONER’S ITEMS**

*Employee Salaries*

Commissioner Higgins would like the Board to approve employee raises.

**Motion:** Commissioner Tobin made a motion to approve moving \$45,000 into the Operation Payroll Budget under the control of the Operations Manager to be used for employee salaries, new jobs and or increases as deemed appropriate by the General Manager. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska		X	
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Hammaker			Abstained

**Motion passed 3 to 1**

*Review of Decision Making Process in Selection of CFO*

Commissioner Hammaker explained why she thinks the Board should review the decision making process for CFO.

Commissioner Hammaker stated: “Our hiring process was controversial from the start. The ad soliciting the applicants was controversial since it was vague and set up a competitive bidding process. There was debate among the committee that until we knew who we were and stated the same it would be difficult to hire an appropriate candidate. Certain candidates never had a chance to go through the process. And at least one rejected candidate became a candidate due to perceived unfairness. Then the way the candidates were interviewed continued a competitive bidding process which was not fair to all. Some were asked improperly if they own a business and the hourly rate that that business charges and some were asked salary requirements and others not.”

Dr. Bloetscher made a point that PERCEPTION IS REALITY and from the huge number of phone calls I have received, the perception is that our Board’s selection CFO process appears to the public to have been governed by and influenced by individual commissioners catering to special interests.

Commissioner Hammaker also stated: “By offering two candidates myself, I presented this appearance to the public as well. Despite some of our best intentions, this Board cannot afford to convey an appearance that it is influenced by special interests, actual or only perceived, and expect to maintain public confidence in the integrity of the Board’s policy direction and operating process properly and in an impartial manner to restore public confidence. I move that this Board clean up our act and begin a new process setting out specifics of the job and the individual we require. Anything worth doing is worth doing well.”

Chairman Majeska asked District Counsel Thomas Dillon for his opinion.

Mr. Dillon stated: "If I were setting up a model organization to take action, I wouldn't set this up as a model but not for any legal issues. I don't think were any legal improprieties. There were some statements by Commissioner Hammaker that probably were not appropriate as to the gender of some of the candidates but for the most part, in general, I would say there was no flaw -- we could have done better, more rationally."

Chairman Majeska stated: "I agree a lot with Susan because I didn't know what we were going to hire, I was not looking for this whether it was part time or contractor to do contract work or whether for full time because we didn't make it plain as day who we wanted to hire and this is how I faced the interviews and seeing what each of the candidates could give us. We did it legally and I don't think we need to do move on this particular item and I don't think it's going to go anywhere."

*Reconsideration of Board Vote on CFO*

Commissioner Higgins stated that he would like to withdraw his vote for Mr. Zappulla.

Board discussed their previous decision.

**Motion: Commissioner Higgins made a motion to not hire Mr. Zappulla for CFO. Commissioner Hammaker seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Chairman Majeska</b>		<b>X</b>	
<b>Commissioner Tobin</b>		<b>X</b>	
<b>Commissioner Brooks</b>		<b>X</b>	
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion failed 2 to 3**

*Grant Advertisement*

Commissioner Higgins would like an ad in the paper for the grants. Chairman Majeska will bring back a format to the next meeting.

**BULK ITEMS**

*Minutes of November 16, December 7, and December 13, 2010*

*RESOLUTION NO. 27-12-10*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2009 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

**Motion: Commissioner Brooks made a motion to approve Bulk Items. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 5 to 0**

**ENGINEER’S REPORT**

Ed Castle presented his verbal status report.

**LEGAL COUNSEL REPORT**

*CFO Contract*

Mr. Dillon presented the CFO contract to the Board.

**Motion: Commissioner Tobin made a motion to approve the CFO contract. Commissioner Brooks seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>		<b>X</b>	

**Motion passed 4 to 1**

*Assumption of Collection System Maintenance Responsibilities in Calusa*

**RESOLUTION NUMBER 25-12-10**

***A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REGARDING MAINTENANCE OF THE COLLECTION SYSTEM AT CALUSA CAMPGROUND; AND PROVIDING AN EFFECTIVE DATE.***

Commissioner Tobin requested that the resolution becomes effective when Calusa Campground approved it and that there be a 60 termination clause with notice. This resolution will be brought back to the next meeting.

***Deferral of Connection Requirements for Low Income Residents***

**RESOLUTION NUMBER 26-12-10**

***A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT PROVIDING FOR TEMPORARY DEFERRAL OF CONNECTION REQUIREMENTS AND CREDITS FOR WASTEWATER FEES COLLECTED FROM LOW-INCOME RESIDENTS; AND PROVIDING AN EFFECTIVE DATE.***

Mr. Dillon will change the name from Meridian to Monroe County Housing Authority in the resolution.

**Motion: Commissioner Higgins made a motion to approve Resolution No. 26-12-10  
Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Higgins</b>	X		
<b>Chairman Majeska</b>	X		
<b>Commissioner Tobin</b>	X		
<b>Commissioner Brooks</b>	X		
<b>Commissioner Hammaker</b>	X		

**Motion passed 5 to 0**

**COMMISSIONER'S ROUNDTABLE**

Commissioner Hammaker discussed the State Attorney's office handling complaints of staff taking bribes.

Commissioner Tobin discussed giving the residents on the South Transmission a longer period of time before the Thirty Day Notices are sent out.

Commissioner Higgins asked what the General Manager's hours will be after Jan. 1<sup>st</sup>.

Commissioner Brooks discussed having the entire Board making the decision for presentations that are to be given to the Board.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:37 PM.

The KLWTD meeting minutes of Dec. 21, 2010 were approved on Jan. 18, 2011

  
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Chairman Majeska

  
\_\_\_\_\_  
Carol Walker, CMC  
District Clerk

Key Thacker

County Employees no increase  
in 3 years -

Social Security has not  
had an increase in now the  
3rd year.

It is nice to be Santa  
Claus, but the economy is  
not

EXHIBIT "A"

# EXHIBIT "B"

1. What is the deadline for application? There is no deadline.
2. How will the funds be made available? Will Meridian contract directly for the work, or will the contracting be done by others? Meridian will select the contractors for the work. Homeowners will sign the contracts. The County will pay the contractors directly.
3. We believe that there are a number of contractors who are willing to provide low-priced connections for low-income residents. Will they be able to work with Meridian to provide the connections? Meridian has sought participation by all licensed plumbers in Monroe County. When a property is selected for assistance, Meridian will seek prices from qualified plumbers, and will award the work to the lowest-priced plumber.
4. Is there a role for a non-profit foundation (e.g., Florida Keys Wastewater Assistance Foundation) in delivering the connections to low-income residents? No.
5. What will the grants cover? We understand that they will cover construction of lateral connections to the sewer system, but will there also be funding to cover a portion of the non-ad valorem property assessments? Are there any other things the grants will cover? The grants will cover permits, construction of lateral connections, site restoration, and abandonment of septic systems.
6. What are the eligibility criteria? Income (80% of Monroe County median income); for owner-occupied housing, the home must be the primary residence of the applicant (normally evidenced by homestead declaration); current on taxes and mortgage.
7. Once a completed application is received, how long will it take to determine that the applicant is eligible for funding? Estimated 6 months.
8. Once the determination of eligibility is made, how long will it take to make the funds available for the actual sewer connection? The funds are available now.
9. What is the maximum amount of the grant that can be made for a single-family home? There is no pre-determined maximum.
10. Will grant funding be made available to landlords who participate in the Section 8 low-income housing program? Yes.
11. Will grant funding be made available to landlords who commit to rent to low income renters, exclusively? Yes.
12. Will grant funding be made available to commercial properties, e.g., multi-family rental properties? Yes. What about non-residential properties? No.
13. How can we coordinate with you so that we know when Key Largo residents have applied for grants, when eligibility is determined, and when the residents have been found to be ineligible? Monroe County will cooperate with the District.
14. We understand the sensitivity of disclosing the names of applicants. However, in order for the Board to take action, such as deferring connection requirements, someone in the District will need to know the name and address of each applicant who applies for assistance, who is determined to be eligible, and who is rejected. Once the District receives the information, it will become a public record. Do you have any suggestions as to how to protect the privacy of applicants? The names and addresses are public records.
15. Please comment on the draft low-income resolution sent previously. I'm attaching it to this email as well. Minor comments addressed in resolution.