MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:47 PM on January 17, 2017. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Susan Heim, and Stephen Gibbs. Also present were General Manager Paul Christian, General Counsel Ray Giglio, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Mr. Richard Barretto led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Heim added 2 items under Commissioner's Items: 1) a discussion regarding the agenda posting requirements, and 2) Commissioner compensation for the last BOC meeting, at which no quorum was achieved.
- Commissioner Tobin requested that the Aqua-Aerobics Systems, Inc. presentation be moved after Public Comment.
- General Manager Paul Christian requested that Recognize District Staff be removed from the agenda.

APPROVAL OF AGENDA

Motion: Commissioner Tobin made a motion to approve the agenda as amended and Commissioner Gibbs seconded the motion. The motion passed without objection.

RECOGNITION OF NORMAN PETER HIGGINS

Proclamation in Memoriam Honoring the Life of Norman Higgins (E-1)

Chairman Asdourian presented the proclamation in memoriam honoring the life of the late Commissioner, Norman Higgins.

Motion: The Board of Commissioners unanimously adopted the Proclamation in Memoriam Honoring the Life of Norman Higgins.

Vote on Motion

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Chairman Asdourian</td>
<td>Aye</td>
</tr>
<tr>
<td>Commissioner Gibbs</td>
<td>Aye</td>
</tr>
<tr>
<td>Commissioner Heim</td>
<td>Aye</td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>Aye</td>
</tr>
</tbody>
</table>

Motion Passed: 4 to 0
**PUBLIC COMMENT (F)**

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dottie Moses</td>
<td>Public Comment</td>
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<tr>
<td>Key Largo, FL</td>
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<tr>
<td>Elizabeth McInerny</td>
<td>Public Comment</td>
</tr>
<tr>
<td>95525 #A Overseas Hwy</td>
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<tr>
<td>Key Largo, FL</td>
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<tr>
<td>Burke Cannon</td>
<td>Discussion and Adoption of a Process to Fill Vacant Commissioner Seat</td>
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<tr>
<td>Tavernier, FL</td>
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<tr>
<td>Richard Barretto</td>
<td>Discussion and Adoption of a Process to Fill Vacant Commissioner Seat</td>
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<tr>
<td>603 Burton Drive</td>
<td></td>
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<tr>
<td>Tavernier, FL</td>
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<tr>
<td>David Benoit</td>
<td>Discussion and Adoption of a Process to Fill Vacant Commissioner Seat</td>
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<tr>
<td>61 Florida Drive</td>
<td></td>
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<tr>
<td>Key Largo, FL</td>
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<tr>
<td>Robby Majeska</td>
<td>Discussion and Adoption of a Process to Fill Vacant Commissioner Seat</td>
</tr>
<tr>
<td>38 Mutiny Place</td>
<td></td>
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<tr>
<td>Key Largo, FL</td>
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<tr>
<td>Chris Sante</td>
<td>Discussion and Adoption of a Process to Fill Vacant Commissioner Seat</td>
</tr>
<tr>
<td>300 Atlantic Drive</td>
<td></td>
</tr>
<tr>
<td>Key Largo, FL</td>
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</tbody>
</table>

Public Comment: Ms. Dottie Moses requested that the commission address the incident that occurred on January 16, 2017 in Key Largo.

Public Comment: Ms. Elizabeth McInerny requested that the commission reconsider its December 20, 2016 decision to deny her contiguous parcel waiver.

Commissioner Tobin requested that Ms. McInerny's contiguous parcel waiver be brought back at a future meeting for further consideration.

**OPERATIONS REPORT**

* Aqua-Aerobics Systems, Inc. Presentation (G-1) *

Mr. Daniel Lockhart, Customer Service Process Specialist from Aqua-Aerobics Systems, Inc. gave a presentation on the recently upgraded supervisory control and data acquisition (SCADA) system. Mr. Lockhart and staff answered questions from the Board.

Commissioner Tobin requested that the exploration of future site evaluations from Aqua-Aerobics Systems, Inc. be added to the Unfinished Business list. Commissioner Heim
requested that Plant Manager Jered Primicerio give a presentation regarding various reports produced by the Operations Department at a future meeting.

**LEGAL REPORT**

*Discussion and Adoption of a Process to Fill Vacant Commission Seat (H-1)*

Public Comment: Mr. Burke Cannon spoke in support of appointing Former KLWTD Commissioner, Mr. Robby Majeska to fill the vacant commission seat.

Public Comment: Mr. Richard Barretto spoke in support of appointing Former KLWTD Commissioner, Mr. Robby Majeska to fill the vacant commission seat.

Public Comment: Mr. David Benoit expressed his willingness to serve on the Board, requested that he be considered as a candidate for the vacant commission seat, and spoke to his qualifications.

Public Comment: Mr. Robby Majeska expressed his willingness to serve on the Board, requested that he be appointed to fill the vacant commission seat, and detailed his qualifications and experience.

Public Comment: Mr. Chris Sante spoke in support of appointing Former KLWTD Commissioner, Mr. Robby Majeska to fill the vacant commission seat.

Board members discussed their various concerns regarding the appointment process. Commissioner Gibbs read a statement attached to these minutes as “Attachment A.”

**Motion:** Commissioner Heim made a motion to appoint Mr. Robert Majeska to fill the vacant commission seat and Commissioner Tobin seconded the motion.

**Vote on Motion**

- Commissioner Heim – Aye
- Commissioner Tobin – Aye
- Commissioner Gibbs – Aye
- Chairman Asdourian – Aye

**Motion Passed: 4 to 0**

5 MIN BREAK: 6:02 PM

Mrs. Katherine Jackson swore in Mr. Robert Majeska, who took the Oath of Office and assumed his seat on the board.

**Motion:** Chairman Asdourian passed the gavel to Commissioner Tobin and made a motion re-open the agenda. Commissioner Majeska seconded the motion. The motion passed without objection.

- Commissioner Majeska requested that 1) a discussion of Norman Higgins be added under Commissioner’s items and 2) an Airvac presentation be added to the Unfinished Business list.
Chairman Asdourlan requested that the MCLA Conservation Waiver of Assessment be the next item considered by the Board.

Motion: Commissioner Majeska made a motion to approve the agenda as amended and Commissioner Heim seconded the motion. The motion passed without objection.

ADMIN / CUSTOMER SERVICE REPORT

MCLA Conservation Waiver of Assessment – Lee Shore (I-1)

Mrs. Diane Bockelman, Billing and Assessment Coordinator presented Resolution DRAFT No. 02-01-17 granting the Monroe County Land Authority (MCLA) a Conservation Waiver of Assessment for AK#1666564 and AK#1666572 – Lee Shores, which are being conveyed to the MCLA, as Conservation Parcels. Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to approve final Resolution No. 02-01-17 to remove AK#1666564 and AK#1666572 from the 2016 Non-Ad Valorem Assessment and Commissioner Tobin seconded the motion.

Vote on Motion
Commissioner Gibbs – Aye
Commissioner Tobin – Nay
Commissioner Heim – Aye
Commissioner Majeska – Aye
Chairman Asdourlan – Aye

Motion Passed: 4 to 1

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Minutes of December 20, 2016 (J-1)

Commissioner Heim suggested adding item numbers to the minutes to facilitate tracking and suggested that staff consider retiring a resolution number if the resolution fails to be approved.

Motion: Commissioner Gibbs made a motion to approve the Minutes of December 20, 2016 and Commissioner Heim seconded the motion. The motion passed without objection.

Minutes of January 10, 2017 (J-2)

Motion: Commissioner Gibbs made a motion to approve the Minutes of January 10, 2017 and Commissioner Heim seconded the motion. The motion passed without objection.

LEGAL REPORT

Resolution Adopting Board Practices and Policies (K-1)

Mr. Ray Giglio presented Resolution DRAFT No. 01-01-17 to the Board.
Motion: Commissioner Tobin made a motion to approve final Resolution No. 01-01-17 to ratify and adopt the Board Practices and Policies nunc pro tunc and Commissioner Gibbs seconded the motion.

Vote on Motion
- Commissioner Tobin – Aye
- Commissioner Gibbs – Aye
- Commissioner Majeska – Aye
- Commissioner Heim – Aye
- Chairman Asdourian – Aye

Motion Passed: 5 to 0

CONSTRUCTION REPORT

Monthly Construction Report (L-1)

Mr. Ed Castle presented the monthly construction report, and staff answered questions from the Board.

The Board requested that a presentation on the current status of the vacuum stations be presented at a future Board meeting.

EXTENSION: 7:00 PM

Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes.
The motion passed without objection.

COMMISSIONER'S ITEMS

Grievance Policy Amendment (Commissioner Tobin) (N-1)

Commissioner Tobin led the discussion regarding Resolution No. 23-10-16. He indicated that because this resolution appears to contain a scrivener's error, it does not accurately reflect the intent of the Board and should be corrected. Commissioner Gibbs stated that his intent while making the motion was for senior staff, excluding the General Manager and General Counsel, to have the opportunity to file a grievance if necessary. Commissioner Heim suggested this item be discussed again at a future meeting. Commissioner Tobin suggested that the entire grievance policy be reviewed.

Staff answered questions from the Board and the Board requested that this item be brought back at a future meeting.

Agenda Posting Requirements (Commissioner Heim) (N-2)

Commissioner Heim led a discussion about whether the agenda could be posted to the website and made available to the commissioners in accordance with state statutes.
Commissioner Compensation for Last BOC Meeting (Commissioner Heim) (N-3)

Commissioner Heim stated that she does not believe that she should have been paid for the last BOC meeting, at which a quorum was not achieved. Staff answered questions from the Board. Commissioner Heim and Commissioner Tobin expressed the desire to forego their compensation for the inquorate meeting.

Norman Higgins (Commissioner Majeska) (N-4)

Commissioner Majeska suggested that the office building should have a portrait of the late Commissioner Higgins since he passed away while in office. Commissioner Tobin suggested a photograph be hung in the office. The Board did not reach a consensus on this matter.

ROUNDTABLE DISCUSSION

Unfinished Business (Q-1)

The Board did not discuss Unfinished Business.

ADJOURNMENT

The Meeting was adjourned at 7:29 PM.

__________________________
David Asdourian, Chairman

__________________________
Katherine Jackson, Clerk
Largo Wastewater Treatment District
BOARD OF COMMISSIONERS

PROCLAMATION IN MEMORIAM
Honoring the Life of Norman Higgins

WHEREAS, for the last ten years, Norman Higgins served the Key Largo Wastewater Treatment District with honor, distinction, and dedication as a member of its Board of Commissioners; and

WHEREAS, Norm’s whole life was dedicated to helping his family, his friends, his community, his country, and the residents of the District in any way that he could, with an ever-kind spirit and an always-jubilant heart; and

WHEREAS, on December 21, 2016, Norm departed this life and entered the realm of eternal peace and immortal happiness; and

WHEREAS, Norm will be missed by his wife Elaine, his three children, his grandchildren, his fellow Commissioners, and the many people in the Florida Keys, whose lives he touched and enriched.

NOW, THEREFORE, the Commissioners of the Key Largo Wastewater Treatment District do hereby extend their deepest sympathies to the family and friends of Norman Higgins for their loss. Norm’s passing has left us with a heartache that no one can heal. But his life has also left us with a joyous memory that no one can steal and that all who knew him will always feel.

Passed, adopted, and proclaimed by the Key Largo Wastewater Treatment District this 17th day of January, 2017.

David Asdourian, Chairman
Andrew Tobin, Commissioner
Stephen Gibbs, Commissioner
Sue Heim, Commissioner
Paul Christian, General Manager
RESOLUTION NO. 01-01-17


WHEREAS, the Board of Commissioners ("Board") of the Key Largo Wastewater Treatment District ("District"), at a regularly scheduled meeting on July 12, 2016 adopted the Board Practices and Policies a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Board Practices and Policies is a document that can be amended at any time; and

WHEREAS, the District desires, by this resolution, to correctly reflect the Board Practices and Policies was adopted by the Board on July 12, 2016; and

WHEREAS, the District desires, by this resolution, to ratify the adoption of the attached Board Practices and Policies, effective July 12, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Effective Date. The Board Practices and Policies attached hereto as Exhibit "A" is hereby ratified, approved, and adopted nunc pro tunc, effective July 12, 2016.

Section 3. Authorization of District Officials. The General Manager and/or his designee(s) and the District General Counsel are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 17th DAY OF JANUARY, 2017

The foregoing RESOLUTION was offered by Commissioner Tobin, who moved its approval. The motion was seconded by Commissioner Gibbs, and being put to a vote, the result was as follows:
The Chairman thereupon declared Resolution No. 01-01-17 duly passed and adopted the 17th day of January, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

Chairman David Asdourian

ATTEST: Approved to as to form and legal sufficiency

Katherine Jackson, District Clerk

Ray Giglio, General Counsel

SEAL
CONDUCT OF MEETINGS

1. The Board usually applies the following "Meeting Rules" to its meetings: (1) It shall not be necessary to have a motion on the floor to discuss an item; (2) Commissioners have the right to request reconsideration of any item regardless of whether a commissioner was on the winning or losing side of a prior vote; (3) A motion can be made by any Commissioner; (4) If the Chair makes a motion, it must pass the gavel to the Vice Chair; (5) A motion can be seconded by any Commissioner including the Chair, who need not pass the gavel; (6) A point of order normally take precedence over other matters; (7) On matters of extreme importance, a Commissioner may request the Board consider the matter at two separate hearings; (8) The Board should encourage full and open discussion of all items without regard to how long it takes to reach consensus; (9) The Board should not entertain items that have not been included in the Agenda; and (10) The Board should not take action on an items unless it has been provided sufficient back-up and an opportunity to review and to consider the matter.

2. The Board should update its "Meeting Rules" from time to time when appropriate.

3. The Board should be guided, but is not required to follow Robert's Rules of Order (Small Group Edition).

ROLE OF CHAIRMAN

4. The Chair should encourage full and open debate.

5. The Chair is not obliged to recognize a request to "call the question" unless and until there has been full and open discussion by the Board.

6. The Chair should discourage disrespectful comments.

7. The Chair’s ruling on procedural matters is subject to a vote if challenged by any commissioner.
ABSTAINING FROM VOTING

8. A Commissioner should not abstain from voting unless, there is, or appears to be, a possible conflict of interest or unless a Commissioner lacks sufficient information to cast an informed vote.

RESOLUTIONS

9. Matters of importance should be resolved by a vote rather than by "giving direction."

10. Commissioners may request a formal vote on any issue.

11. The Board should adopt written resolutions on matters of importance.

THE RIGHT TO DISSENT

12. While a majority of the Board shall represent the official policy of the Key Largo Wastewater District. Notwithstanding any such vote, individual Commissioners shall have the right to publicly disagree with any vote or policy.

ELECTION OF OFFICERS

13. The Board elects a chairman, vice chairman, and treasurer annually. In years in which general elections are held pursuant to s. 189.405(2)(a), F.S, the Board elects officers at the first meeting following certification of results by the Supervisor of Elections. In non-election years, the election of officers is held on the second meeting in November.

14. Commissioners may nominate themselves for office.

15. No second is required for nominations.

16. Contested elections for Board officers may be held by signed ballots, which shall be opened by the Clerk and made a part of the record.

PUBLIC COMMENTS

17. The Board should welcome public participation and comments at all meetings.

18. A person who desires to speak should register his or her request with the Clerk.

Submitted by Commissioner Tobin
19. The public may speak on any item, including “Bulk” items, during the public comment period, or may defer making comments until the item is called for discussion.

20. Public Comment is usually limited to three (3) minutes for an individual and five (5) minutes for representatives of organizations, unless the Board believes additional time is appropriate.

21. Public speakers may provide written material to the Board and request that the material be included in minutes; however, the Chair may decline the request for inclusion if the material is unduly voluminous or is offensive.

22. Commissioners and Staff should refrain from responding to public speakers but may do so with the consent of the Chair.

THE MINUTES OF THE MEETING

23. The minutes should be promptly recorded and should summarize the events of the meeting.

24. All motions made during the course of a meeting should be recorded in the minutes, including motions that fail to receive a second.

25. At the very least, the minutes should reflect the maker of the motion; the nature of the motion; the second, and the Commissioners voting yea/nay.

APPROVAL OF THE MINUTES

26. The draft minutes should be presented to the board for adoption at the next meeting.

27. The adoption of the minutes is prima facie evidence of the Board's decision, resolutions, and acts only. Comments included in the minutes are not to be considered as exact quotes.

28. Commissioners have the right to request corrections to the minutes.

LENGTH OF MEETING

29. The Board should endeavor to complete business within two (2) hours.
30. A meeting can be extended by a motion duly made and adopted.

**MOTIONS**

31. A vote can only be called by the Chair after a motion has been made and seconded.

32. Motions that do not receive a second shall automatically fail.

33. When a motion has been moved and seconded, and following the end of the discussion of an item, the Chair must:
   - Restate the motion, and
   - Call for a vote by yeas and nays or by roll

34. Any Commissioner may request a roll call vote.

35. Only one motion at a time may be considered.

36. The Board may table a motion to the next meeting, at which time the Board shall resume debate.

**ROUNDTABLE DISCUSSION**

37. The Roundtable portion of the meeting is where Commissioners may have open and free discussions among themselves.

38. No motion shall be required for a matter to be raised and discussed.

39. The regular rules of conduct and procedure, including Roberts *Rules of Order*, shall not be in effect.

**STAFF SUPPORT & LEGAL ADVICE**

40. In order to carry out their legislative duties, Commissioners may request information, research or support from the General Manager, Senior Staff Members, Department Managers, or the District's Attorneys and Consultants provided that any such request is not unduly burdensome or excessive, i.e., will not take more than 1 hour per month. The District's staff shall have the right (but is not obligated) to ask the full board to authorize the request if the request is unduly burdensome.

Submitted by Commissioner Tobin
RESOLUTION NO. 02-01-17
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT APPROVING THE REQUEST OF MONROE
COUNTY LAND AUTHORITY FOR REMOVAL OF TWO
TAX PARCELS AS CONSERVATION LAND FROM THE
2016 NON-AD VALOREM ASSESSMENT; AND
PROVIDING FOR APPLICABILITY AND AN EFFECTIVE
DATE.

WHEREAS, the Tax Parcels described in Section 1 are being conveyed to the
Monroe County Land Authority ("Land Authority"), a local agency, for the purpose of
protecting the natural environment and preserving wildlife habitat under the provisions of
Chapter 380, F.S. and/or Monroe County Code section 2-397; and

WHEREAS, the Tax Parcels described in Section 1 will be used as Conservation
Parcels and will not be improved with facilities that will generate wastewater; and

WHEREAS, the Land Authority has made an application to the Key Largo
Wastewater Treatment District ("District") for a waiver of all future assessments of the
District's System Development Charge; and

WHEREAS, pursuant to Section 10.06(a)(iii), of the District’s General Rules and
Regulations, the Owner(s) may request that the District exclude such Tax Parcels and
waive all future assessments of the System Development Charges, for those Tax Parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT THAT:

The Tax Parcels designated in Section 1 below be and are excluded from the Key Largo
Wastewater Treatment District 2016 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00543040-000000
AK NO. 1666564
PARCEL DESCRIPTION: 2ND AMD & REV PLAT OF LEE SHORES KEY LARGO
PB2-97TRACT 7 OR424-196 OR2230-201

PARCEL ID: 00543050-000000
AK NO. 1666572
PARCEL DESCRIPTION: 2ND AMD & REV PLAT OF LEE SHORES KEY LARGO
PB2-97THE S 1/2 TR 8 OR526-921 OR2230-200

Section 2. Should any owner of the parcels listed in Section 1 above
later desire wastewater service to the tax parcel, or develop
the parcel(s) with any structure capable of producing
wastewater, they agree to pay all direct and indirect District
costs of providing service as well as any unpaid portions of the assessment herein waived.

Section 3. APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.

Section 4. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 17TH DAY OF JANUARY 2017

The foregoing RESOLUTION was offered by Commissioner Gibbs, who moved its approval. The motion was seconded by Commissioner Tobin, and being put to a vote the result was as follows:

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<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
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<tbody>
<tr>
<td>Chairman Asdourian</td>
<td>✓</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
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<td>✓</td>
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</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 17th day of January, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: __________________________
David Asdourian, Chairman

Approved to as to form and legal sufficiency

By: __________________________
Katherine Jackson, Clerk

By: __________________________
Ray Giglio, General Counsel

KEY LARGO WASTEWATER TREATMENT DISTRICT
Public Comments

Disclaimer: Public comments that are submitted to the Board for inclusion into the Official Minutes are the views and opinions of the commenters alone and do not necessarily reflect the official policy of the Key Largo Wastewater Treatment District or the opinions of its Commissioners.
January 17, 2017

TO MY FELLOW COMMISSIONERS:

We have before us a decision that must be made with the best interest of the rate-payers of the KLWTD first and foremost. It is these neighbors who have entrusted us with their votes to make sure their best interests are met.

With that in mind I strongly suggest a process by which we allow any and all qualified candidates to come forward and be evaluated individually. I am confident that the four of us will take into consideration the potential of each candidate.

We owe it to those who put us in this office to make sure we are thorough. I suggest we advertise and open the door to candidates now; interview all candidates by January 31; make our selection by February 7.

I have an open mind and will support the will of the majority.

Steve Gibbs