MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on February 7, 2017. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Susan Heim, Stephen Gibbs, and Robert Majeska. 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. Jered Primicerio led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Tobin added 2 items under Agenda Additions, Corrections, or Deletions: 1) Monroe County Land Authority and 2) Florida Keys Aqueduct Authority. Commissioner Tobin also requested that the General Manager Employment Contract be the last item on the agenda, and that Unfinished Business (P-1) be tabled until a future meeting.
- Commissioner Gibbs added 3 items: 1) Grievance Policy 2) No Vote under Commissioner’s Items and 3) Morgado, P.A. under Legal Report.
- Chairman Asdourian added a Zurwelle-Whittaker Update under Legal Report.
- Commissioner Heim requested Recurring Expenses (O-4) be tabled until a future meeting.
- Mr. Paul Christian removed Recognize District Staff and requested that Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade be changed from Action to Discussion.
- Mr. Ray Giglio added a discussion of decertification of Monroe County Judges to Legal Report.

APPROVAL OF AGENDA

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

Monroe County Land Authority (D-2)

The Board recognized Mr. Charles Pattison, Executive Director and Mr. Mark Rosch, Senior Property Acquisition Specialist of the Monroe County Land Authority (MCLA). Mr. Pattison addressed the Board of Commissioners and explained the Monroe County process for the purchase of conservation land. The Board discussed various concerns regarding waiving assessment revenues from the parcels that the MCLA will purchase in the future.

Commissioner Heim suggested that Resolution DRAFT No. 03-01-17–granting the Monroe County Land Authority (MCLA) a Conservation Waiver of Assessment for AK#1569216 and
AK#1569224, Pamela Villas, which are being conveyed to the MCLA, as Conservation Parcels—be brought back at a future meeting. Commissioner Tobin indicated that it would be his preference not to postpone the vote on the resolution.

Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to approve final Resolution No. 03-02-17 to remove AK#1569216 and AK#1569224 from the 2006 Non-Ad Valorem Assessment and Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion Passed: 5 to 0

Florida Keys Aqueduct Authority (D-3)

The Board recognized Mr. Kirk Zuelch, Executive Director of the Florida Keys Aqueduct Authority (FKAA). Mr. Zuelch stated that the FKAA has not had discussions regarding Cross Key/Manatee Bay, but that he was willing to bring any concerns to the FKAA Board. Mr. Paul Christian stated that State Representative Holly Raschein would like the District and FKAA to work together to explore possible solutions to Cross Key/Manatee Bay before the District files for a legislative bill to change the charter and that an October 1, 2017 deadline should be sufficient.

Commissioner Tobin requested that FKAA provide a letter to the District confirming that both entities would work together to find a solution. Mr. Zuelch agreed that would be a good idea.

Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to ask State Representative Holly Raschein to hold off on this legislation until further notice and Commissioner Majeska seconded the motion.

Vote on Motion

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

Motion Passed: 4 to 1

The Board directed staff to draft a resolution rescinding Resolution No. 26-11-16 and to bring it to a future Board meeting.
BUDGET AND FINANCE REPORT

FY2016 Financial Audit Schedule (E-1)

Mrs. Connie Fazio presented the fiscal year 2016 financial audit to the Board and requested that the Board appoint a commissioner as a Board representative for the audit. Staff answered questions from the Board.

Motion: Commissioner Heim made a motion to appoint Commissioner Majeska as the Board’s audit representative and Commissioner Gibbs seconded the motion.

Vote on Motion

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

Motion Passed: 5 to 0

KLWTD Plant Capacity Upgrade Expenses for 1st Quarter FY2017 (E-2)

Mrs. Connie Fazio presented to the Board the KLWTD plant capacity upgrade expenses for the 1st quarter for fiscal year 2017 and staff answered questions.

The Board requested staff add “preliminary” to the document, so it is not confused with an actual invoice.

457(b) Amendment (E-3)

Mrs. Connie Fazio presented Resolution DRAFT No. 05-02-17 and informed the Board that this formalized the vote taken on January 24, 2017 to lower the District 457(b) employer match age from 21 to 18. Staff answered questions from the Board.

Commissioner Tobin requested that when an amendment is being presented to the Board, the amended language be highlighted within the existing document; and that the entire document be presented to the Board when appropriate.

Motion: Commissioner Majeska made a motion to approve final Resolution No. 04-02-17 and Commissioner Gibbs seconded the motion.

Vote on Motion

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

Motion Passed: 5 to 0
PUBLIC COMMENT (F)

Name and Address          Subject

Burke Cannon               Public Comment
149 Westminster
Tavernier, FL

Public Comment: Mr. Burke Cannon requested that Public Comment come before any additions to the agenda since he would have liked to speak to an item that came before public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of January 24, 2017 (G-1)

Commissioner Heim asked the Board and staff for clarification on a couple of items in the minutes. She also requested that where reference is made to a meeting with specific people, the names of those people be included in the minutes. Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to approve the Minutes of January 24, 2017 as amended and Commissioner Majeska seconded the motion. The motion passed without objection.

CONSTRUCTION REPORT

Monthly Construction Report (H-1)

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

Purchase of Airvac Equipment and Services for Vacuum Station F Upgrade

Mr. Ed Castle presented Airvac Quote No. 20032374, in the amount of $15,873.61 plus freight, and informed the Board that represents the cost of equipment, materials, and services that will be purchased and installed as part of the Vacuum Station F Booster Pump project, and answered questions from the Board.

This item will be brought back at a future Board meeting.

COMMISSIONER’S REPORT

Death Benefits (Commissioner Tobin) (L-1)

Commissioner Tobin led a discussion regarding the Board approving death benefit contributions for the late Commissioner Higgins. Mr. Ray Giglio informed the Board that any benefit would have to be part of a plan that included all commissioners, not just one. The Board debated their various concerns regarding the implementation of a death benefit for commissioners.
Staff answered questions from the Board.

**EXTENSION: 6:03 PM**  
**Motion:** Commissioner Heim made a motion to extend the meeting 30 minutes. The motion passed without objection.

*Computer Backup (Commissioner Tobin) (L-2)*

Commissioner Tobin led a discussion regarding a company named Essential Net Solutions. He indicated that this company could possibly provide IT services to the District and he suggested that staff research this company and ask them to give a presentation to the Board. Mr. Rob Bulkiewicz informed the Board that the District is already in contract with a similar company called Codified, which is currently providing IT services to the District.

Commissioner Heim requested that the Codified contract be emailed to the commissioners and Commissioner Tobin requested that Codified give a presentation to the Board at a future middle meeting.

**5 MIN BREAK: 6:16 PM**

**EXTENSION: 6:35 PM**  
**Motion:** Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.

*Grievance Policy (Commissioner Gibbs) (L-3)*

Commissioner Gibbs led a discussion regarding the grievance policy. Staff informed the Board that Mr. Dale Morgado, Esq. has not yet responded regarding the grievance policy. Commissioner Gibbs stated that he would like the grievance policy resolution to be added to a future agenda.

*No Vote (Commissioner Gibbs) (L-4)*

Commissioner Gibbs suggested amending the Board's Practices and Policies manual to provide that a commissioner who votes “nay” cannot request an item be reconsidered more than once.

Commissioner Gibbs requested that this item be brought back at a future meeting.

**LEGAL REPORT**

*Morgado, P.A. Update (M-1)*

This item was discussed under *Grievance Policy (L-3).*

*Zurwelle-Whittaker Update (M-2)*

Mr. Ray Giglio informed the Board that Mr. Eddie Martinez of Zurwelle-Whittaker has not completed the grinder pump surveys as of the time of the meeting, but that he had promised to do so by the end of the week, and staff answered questions from the Board.
Decertification of Monroe County Judges (M-3)

Mr. Ray Giglio informed the Board that Mr. Bob Schillinger, Monroe County Attorney, had requested that entities with lobbyists in Tallahassee work against the proposed decertification of one or more County Court judges in the Florida Keys. Commissioner Tobin spoke to the importance of keeping the county judges in Monroe County.

Kate DeLoach, Legislative Aide to State Representative Holly Raschein, informed the Board that both Representative Raschein and Florida Senator Anitere Flores are monitoring the situation in Tallahassee.

The Board directed staff to ask Cynthia Henderson, the District's lobbyist in Tallahassee, to advocate against the decertification of the County Court, and directed Mr. Giglio to email Mr. Schillinger that the Board has responded positively to his request.

EXTENSION: 7:00 PM

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

GENERAL MANAGER'S REPORT

General Manager Employment Contract (N-1)

Commissioner Gibbs stated that Mr. Paul Christian has served the District well and that he favored renewal or Mr. Christian's contract. Commissioners Tobin, Majeska and Heim stated that they were unable to support renewal of Mr. Christian's contract. The Board debated the renewal of the General Manager's contract and possible severance packages.

Mr. Christian addressed the Board to express his gratitude for the opportunity that he has been given to serve the District as a contractor, as a member of staff, and as the General Manager.

Motion: Commissioner Tobin made a motion to not renew the General Manager's existing employment contract and to offer a severance package of continued salary and all benefits for 90 days with the requirement that Mr. Paul Christian assist the District in the transition for 30 days up to 60 days, and Commissioner Heim seconded the motion.

Vote on Motion

| Commissioner Tobin – | Aye |
| Commissioner Heim – | Aye |
| Commissioner Gibbs – | Nay |
| Commissioner Majeska – | Aye |
| Chairman Asdourian – | Nay |

Motion Passed: 3 to 2

Mr. Ray Giglio tendered his resignation from the position of District Counsel effective April 30, 2017.
ADJOURNMENT

The Meeting was adjourned at 7:57 PM.

[Signature]
David Asdourian, Chairman

[Signature]
Katherine Jackson, Clerk
RESOLUTION NO. 03-02-17
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
2006 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 2006 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00465790-000000
AK NO. 1569216
PARCEL DESCRIPTION: BK 9 LT 19 PAMELA VILLA PB3-125 KEY LARGO
OR491-982-983 OR795-1281 OR1126-832/33PR OR1876-
868 OR1876-869 OR1876-870

PARCEL ID: 00465800-000000
AK NO. 1569224
PARCEL DESCRIPTION: BK 9 LT 20 PAMELA VILLA PB3-125 KEY LARGO
OR491-982-983 OR795-1281 OR1126-832/33PR OR1876-
868 OR1876-869 OR1876-870

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 7TH DAY OF FEBRUARY 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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The Chairman thereupon declared this Resolution duly passed and adopted the 7th day of February, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: [Signature]
David Asdourian, Chairman

ATTEST:
Katherine Jackson, Clerk

Approved to as to form and legal sufficiency
Ray Giglio, General Counsel
RESOLUTION NO. 04-02-17
A RESOLUTION OF THE BOARD OF COMMISSIONERS
ADOPTING AN AMENDMENT TO THE 457(B) PLAN OF
THE KEY LARGO WASTEWATER TREATMENT
DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District ("District") currently maintains and contributes to a 457(b) Plan ("Plan") for the benefit of employees of the District; and

WHEREAS, under the current Plan, the District makes employer contributions on behalf of full-time employees who have completed six months of service and have attained the age of twenty-one (21) years; and

WHEREAS, the Board of Commissioners has determined that it would be in the best interest of the District to amend the current Plan to change the age at which full-time employees who have completed six months of service become eligible to receive employer matching funds from twenty-one (21) years of age to eighteen (18) years of age; and

WHEREAS, the plan shall be amended in accordance with the form attached hereto.

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

Section 1. The Plan shall be and is amended in the form attached hereto, which amendment is hereby adopted and approved by the Key Largo Wastewater Treatment District (referred to in the Plan as the "Company").

Section 2. APPLICABILITY AND EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of Commissioners.

Section 3. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions as they may deem necessary, appropriate or convenient to implement the foregoing resolutions including, without limitation, execution of the attached amendment and causing to be prepared and filed such reports, documents or other information as may be required under applicable law.
RESOLVED AND ADOPTED THIS 7th DAY OF FEBRUARY, 2017

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

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The Chairman thereupon declared this Resolution duly passed and adopted the 7th day of February, 2017

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Chairman

ATTEST: Approved to as to form and legal sufficiency

[Signature]
Katherine Jackson, District Clerk

[Signature]
General Counsel, Ray Giglio