

July 6<sup>th</sup>

2005

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF  
COMMISSIONERS MEETING**

**AGENDA**



**Wednesday, July 6, 2005 at 5:00 PM  
98880 Overseas Hwy  
Key Largo, FL**

**Charles Brooks  
Gary Bauman  
Andrew Tobin  
Glenn Patton  
Claude Bullock**

**Chairman  
Vice Chairman  
Secretary-Treasure  
Commissioner  
Commissioner**

.....  
**Charles F. Fishburn  
Thomas Dillon  
Carol Walker**

**General Manager  
District Counsel  
Board Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS**
- E. PUBLIC COMMENT**
- F. COMMISSIONERS ROUND TABLE**
- G. COMMISSIONER ITEMS**
  - 1. Parliamentary Procedures – Commissioner Tobin

**H. ACTION ITEMS**

- 2. Minutes of June 8 & 22, 2005 **TAB 2**
- 3. Pending Payment List of July 6, 2005 **TAB 3**

**I. DISCUSSION ITEMS**

- 4. System Development Charges **TAB 4**
- 5. Wastewater Rates **TAB 5**

**J. STATUS REPORTS**

**ITEMS OF ONGOING CONCERN**

- 1. Procedures
- 2. Agency Coordination

**K. ADJOURNMENT**

# TAB 1

**KEY LARGO WASTEWATER TREATMENT DISTRICT  
Agenda Request Form**

Meeting Date: July 6, 2005

Agenda Item No. /

PUBLIC HEARING

RESOLUTION

DISCUSSION

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

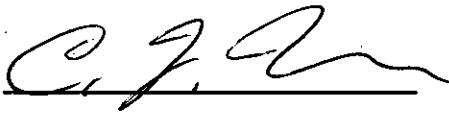
CONSENT AGENDA

Other:

**SUBJECT:** Parliamentary Procedures

**RECOMMENDED MOTION/ACTION:** Discussion

**Approved by General Manager**



**Date:** 6-30-05

<b>Originating Department:</b> Commission Tobin	Costs: Approximately \$  Funding Source: Acct.	<b>Attachments:</b> Memo from Commissioner Tobin
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <i>C.F.2</i> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

Approved

Tabled

Disapproved

Recommendation Revised

**Carol Simpkins**

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**From:** Andrew Tobin [Tobinlaw@terranova.net]  
**Sent:** Sunday, June 26, 2005 4:41 PM  
**To:** Charles Brooks (E-mail); Bullock, Claude; Patton, Glen; Tobin, Andrew  
**Cc:** Dillon, Tom; Fishburn, Chuck; Martin Waits; Simpkins, Carol  
**Subject:** Parliamentary Procedure

All;

I would like to settle the parliamentary debate on whether a formal motion to approve or deny is necessary before a commissioner can ask questions of staff and/or

make limited comments. Here are my reasons for opposing premature motion making (PMM).

I for one need a limited amount of information, feedback from staff, and at times a choice comment from my fellow commissioners on their inner feelings before I am ready. PMM of course discourages such interplay. I am also concerned about premature positioning (PP). This usually occurs because the motion maker (MM) and second are forced to go in before they are ready. There is also the problem of back sliding (BS), which is a condition that occurs when an elected official votes against his/her own motion/second after succumbing to PMM. Finally, I think we are likely to offer better motions (BM) if we have limited questions/debate before MM. Of course the chairman retains authority to determine the time for questions/debate before accepting a motion.

To recap, I oppose PMM because it leads to PP and BS. Therefore, for a good BM, I offer the following Supplementary Rules to Roberts:

(P.S. While thinking about rule 1 I thought I would try two more)

Rule 1. Each commissioners shall have a limited opportunity to ask questions and make comments before the chair entertains a formal motion on an item. This shall not preclude the opportunity to engage in additional questions and/or debate after a motion is offered.

Rule 2. On matters of special importance, including such items as rate setting, special assessments, long term contracts, and large financial obligations, two affirmative votes at separate meetings shall be required unless four commissioners are satisfied an emergency or other good cause exists to forego the second vote.

Rule 3. Commissioners shall have the right to ask Staff (Manager, Clerk, Financial Officer, or Attorney) to conduct limited research and prepare materials on an issue without the knowledge or approval of the Board unless staff determines the request will be unduly disruptive or prohibitively expensive. In that case staff shall comply with the request on a limited basis until such time as the Board decides whether resources should be devoted to an issue.

Andrew M. Tobin  
P.O. Box 620  
Tavernier, FL 33070  
305.852.3388

6/27/2005

# TAB 2

**KEY LARGO WASTEWATER TREATMENT DISTRICT  
Agenda Request Form**

Meeting Date: July 6, 2005

Agenda Item No. 2

PUBLIC HEARING

RESOLUTION

DISCUSSION

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Minutes of June 8 and June 22, 2005 Board Meetings

RECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager 

Date: 6-7-05

<b>Originating Department:</b> Board Clerk	Costs: Approximately \$0 Funding Source: Acct. #	<b>Attachments:</b> Minutes of 6.8.05 & 6.22.05 meetings
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>O.J.R.</u> <input type="checkbox"/> Finance _____	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input checked="" type="checkbox"/> Clerk <u>CS</u>	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

Approved

Tabled

Disapproved

Recommendation Revised



**MINUTES**  
**Key Largo Wastewater Treatment District (KLWTD)**  
**Board of Commisisoners Meeting**



June 22, 2005  
 98880 Overseas Hwy, Key Largo, FL

The KLWTD Board of Commissioners met for a regular meeting on June 22, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners, Glenn Patton, Gary Bauman, Andrew Tobin and Claude Bullock. Also present were District Counsel Thomas Dillon, and all other appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

**ADDITIONS/DELETIONS TO THE AGENDA.**

The following changes were made to the agenda: Commissioner Tobin requested that the Interlocal Agreement be taken off of the Consent Agenda. Commissioner Bauman requested that the item on the discussion of the KLWTD furnishing be moved to the end of the agenda. General Manager Charles Fishburn requested that an item about a meeting at Calusa Campground be placed on the agenda.

**Motion: Commissioner Patton made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks		X	

Motion passed 4 to 1

**PUBLIC COMMENT:** The following persons addressed the Commission: None

**COMMISSIONER'S ROUNDTABLE**

No comments

**COMMISSIONER'S ITEMS**

*Review of Rules & Regulations, Articles 1, 2, 3, 4, and 11*

Commissioner Patton explained that there will be no discussion at the meeting tonight.

Commissioner Tobin suggested that the Articles to be discussed be identified on the agenda by content.

Chairman Brooks expressed concern about tampering (page 9 paragraph 9). He felt that it should be taken out of the rules completely. District Counsel Thomas Dillon stated that he thought that the tampering referred to District property. Chairman Brooks said that he would submit his concerns on a change request form.

**ACTION ITEMS**

*Approval of Minutes of June 13, 2005*

**Motion: Commissioner Bauman made a motion to approve the minutes of the June 13, 2005 minutes. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Abstain
Chairman Charles Brooks	X		

Motion passed 4 to 0

*Pending Payments List*

**Motion: Commissioner Tobin made a motion to approve the pending payments list for June 22, 2005. The motion was seconded by Commissioner Patton.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		

Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Amendment to the FCAA, KLWTD, County Inter-local Agreement of February 26, 2003*  
Financial Officer Martin Waits explained the amendment. The amendment has been approved by the BOCC. The amendment clarified language in the Inter-local concerning cesspit grant funds.

**Motion:** Commissioner Tobin made a motion to accept the Amendment concerning Cesspit Grant Funds to the FCAA, KLWTD, County Inter-local Agreement of February 26, 2003 and authorize the Chairman to sign the agreement. The motion was seconded by Commissioner Patton.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Inter-local Agreement for \$20 Million Dollar County Grant*

Commissioner Tobin suggested that when the Inter-local Agreement is transmitted that it be transmitted with a letter from the Manager or Commission that says there are questions outstanding such as all of the cost being charged to the KLWTD. The letter would keep the door open to communicate with the County about KLWTD concerns.

District Counsel Thomas Dillon told the Board that the one item of concern to him is that he still has not received an estimate of the County cost. He recommends that the Board send a letter including a request for the information.

Chairman Brooks stated that the side letter should be a separate matter. District Counsel Thomas Dillon explained that it would be the Chairman's decision on whether the letter should be a separate matter.

**Motion:** Commissioner Patton made a motion to approve the Inter-Local Agreement taking into consideration Commissioner Tobin's suggestion to transmit the Boards concerns in a letter to set up a process for review, identify, and control the cost; which would aid the KLWTD in establishing their budget. The motion was seconded by Commissioner Tobin.

Commissioner Bullock stated that the Commission at the last meeting expressed urgency for the need of a communication to the County requesting the cost information because the Board has to establish the 2006 budget. He would like to see a not to exceed number.

Commissioner Patton and Commissioner Tobin withdrew the motion and second respectfully.

**Motion:** Commissioner Patton made a motion to approve the Inter-Local Agreement. The motion was seconded by Commissioner Tobin.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

**Motion:** Commissioner Tobin made a motion to direct staff to write a letter to the County Manager requesting the cost associated with the \$20 Million Dollar Grant and bring back a draft to the next meeting. The motion was seconded by Commissioner Patton.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner			

Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

**DISCUSSION ITEMS**

*CPH Work Authorization for Sexton Cove Transmission Line*

*CPH Work Authorization for Sexton Cove collection System*

General Manager Charles Fishburn explained that the Staff is still working on the agreements and they will be brought back to the next meeting.

Commissioner Bullock stated that his biggest concern is that the agreements are based on the Master Plan that was done in 1998. That information is to be used for the design of the transmission line and plant. The new building activity(condo conversion) should be taken into consideration. Ed Castle explained that Commissioner Bullock's concerned is being addressed in the new proposal that staff is still working on.

Chairman Brooks asked if the District was bound by the RFQ or is the RFQ broad enough to make certain decisions within the work orders or are they totally required to stick to the strict RFQ. With MWH reuse has to be considered and Arcadis is going to charge \$30,000 to study to see if reuse is going to be practical for the District. Chairman Brooks stated that in his experience reuse is not going to be practical for the District. He would rather pay MWH \$3,000 to have them say it is not practical.

District Counsel Thomas Dillon stated that there are Board limits. The RFQ says that reuse is part of the work. The District could actually direct a consultant to do less than all of the tasks identified in the RFQ, but cannot add tasks that were not in the RFQ. The District can also limit the amount of work that is done on any task. Ed Castle explained that DEP requires a reuse feasibility study for the construction and operating permit.

**STATUS REPORTS**

*Verbal Monthly Report on KLTV & KLP*

Ed Castle reported that the work is going well at the KLTV and the plant. Airvac delivered the Key Largo Park plans. Weiler will print up five full size and three reduced sets of plans for use as construction drawing.

Chairman Brooks explained to Mr. Castle that he is not necessarily addressing his concern over to amount of time that Airvac has taken to do the plans for KLP to him personally but he is trying to establish a record of the item not being done in the District minutes. Chairman Brooks asked when digging will begin in the KLP. Mr. Castle said that they have already started testing. That KLP should begin by the end of July.

Chairman Brooks asked if everything is blacked topped in the Village yet. Mr. Castle stated that it is not all black topped yet.

Mr. Castle reported that there is pipe in the ground for all of the District's needs for the US 1 Hwy crossing.

**Motion: Commissioner Patton made a motion to have a meeting on June 6, 2005 to discuss rates, June 13, 2005 to review the Rules and Regulations, and June 20, 2005 for the final decision on rates. The motion was seconded by Commissioner Tobin.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Calusa Campground Association Meeting*

General Manager Charles Fishburn said that the Association has invited him to their meeting on June 26 at 11 AM to explain what the District is doing and what their options are going to be.

Chairman Brooks asked if Mr. Fishburn should be given a written statement to give to the Association. District Counsel Thomas Dillon will write up a memo for the Manager with the options.

Chairman Brooks would like target dates set for the next six months and the Board agreed.

*Marine Sanctuary Advisory Board*

Mr. Dillon reported that he was at the Marine Sanctuary Advisory Board meeting on Tuesday and Commissioner Neugent said that he was going to meet with the Key Largo Ocean Resort and he was wondering when the District would be getting there. Mr. Dillon told him around 2008 or 2009 but there are no definite plans.

*New Office Furnishing*

Commissioner Bullock would like to have chairs with armrest and be stackable. Commissioner Patton would like to put the PRMG study on the web site and would like to have picture of the new building on the website. Chairman Brooks would like a clock on the wall. Commissioner Bullock would like skirting on the tables.

Chairman Brooks asked if anyone would be interested in participating in the 4<sup>th</sup> of July Parade. No one will be available for the parade.

#### **ADJOURNMENT**

After a motion to adjourn by Commissioner Patton and a second by Commissioner Brooks the Board adjourned the meeting at 7:36 PM.

The KLWTD meeting minutes of June 22, 2005 were approved on July 6, 2005.

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Chairman Charles Brooks

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Carol Simpkins, CMC  
Board Clerk



**MINUTES**  
**Key Largo Wastewater Treatment District (KLWTD)**  
**Board of Commisisoners Meeting**



June 8, 2005  
 Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on June 8, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners, Glenn Patton, Gary Bauman, and Claude Bullock. Also present were Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all other appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

**ADDITIONS/DELETIONS TO THE AGENDA.**

The following changes were made to the agenda: Commissioner Patton requested that an item concerning a schedule for amending the Rules & Regulations done. District Counsel Thomas Dillon requested that the action items K. 4, L. 8 and L. 10 be made non action items.

**Motion: Commissioner Bullock made a motion to approve the agenda as amended. The motion was seconded by Commissioner Patton.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

**APPROVAL OF MINUTES**

**Motion:** Commissioner Bauman made a motion to approve the minutes of the May 26, 2005 minutes. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

**PUBLIC COMMENT:** The following persons addressed the Commission: Steve Gibbs, resident of Key Largo commented that he has been getting good feedback from the public on the progress that is being made on the Treatment Plant.

**COMMISSIONER’S ROUNDTABLE**

Commissioner Patton told the Board that there is going to be a hearing to put Staghorn and Elkhorn coral on the endangered species list. He explained that what usually happens it that the areas will be fenced off but he feels that what should be done is that wastewater improvements should be funded to clean up the water since the poor water quality is what is damaging the coral.

Commissioner Bullock told the Board that the State did not fund wastewater projects in the Keys to the expected amount; seven million was funded not 20 million. Chairman Brooks added that the Governor has not signed the bill yet and if he does the money is suppose to go to Marathon.

**COMMISSIONER’S ITEMS**

*Length of Meetings*

Commissioner Bauman stated that he thought that Commissioner Bullock had a good idea when he said that if the meeting is running later than 9:00 PM then another meeting should be scheduled. Commissioner Bauman explained that if the agenda was prioritized with the action items first, discussion items second, and status reports last that it might help to shorten the meetings.

Commissioner Bauman suggested that the Roundtable items should be put on the agenda. He would also like to see discussion of an item before a motion for that item is made. He does not think that items should be added to the agenda after it is approved.

Commissioner Bullock thinks that the meetings should start to wrap up at 8:45 PM and if the business cannot be finished then another meeting should be scheduled. He would also like to see special call meetings for interviews with prospective consultants.

Chairman Brooks brought up the fact that Islamorada, Marathon, and the BOCC have meetings that last up to twelve hours. Chairman Brooks expressed his concern that the peoples business needs to be conducted. He is not sure how staff would be able to handle meeting more often. Commissioner Bauman explained that staff would not have to prepare new items for another meeting but that the items that were not covered at a meeting that broke up at 9:00 PM would just be continued to the extra meeting.

Chairman Brooks also explained that if he as Chairman were to control presentations and cut them off after a short period of time the he may be taking away the Board's opportunity to ask questions and get information. He has to tread carefully if he tries to control time. He will try to trim the meeting time.

Chairman Brooks told the Board the according to Parliamentary Procedure the motion is suppose to be made before any discussion. He stated that when the Board has discussion before the motion they tend to drift into other subjects not related to the item. If, after discussion, the Board would like to change the motion it can always be amended.

*Schedule to review Rules & Regulations.*

Commission Patton reminded the Board that at the May 4 meeting they established a first draft and a starting point for on the Rules & Regulations and accepted a form amendment process. He requested a formal vote to adopt the 1<sup>st</sup> draft of the Rules & Regulations.

Commission Patton went on to explain that the schedule for the review would be that on June 22 articles 1 thru 4 and 11 would be reviewed. On July 6 articles 1 thru 4 and 11 would be voted on and articles 6 and 9 would be discussed. On July 20 articles 6 and 9 would be voted on and article 5 would be discussed with action on article 5 on Aug.3. Also on Aug 3 articles 7 and 10 would be discussed with a vote to be taken on Aug 17. Then on Aug 17 articles 8 and 10 would be discussed with action at the next meeting. In August the District has to firmly approve of the assessment process and then have a public hearing on the assessment role so it can be transmitted to the County.

**Motion: Commissioner Bullock made a motion to accept the first draft of the Rules and Regulations as presented on February 28, 2005. Commissioner Patton seconded the motion.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner			

Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

## FINANCIAL OFFICER'S REPORT

### *Pending Payments List*

**Motion:** Commissioner Bullock made a motion to approve the pending payments list for June 8, 2005. The motion was seconded by Commissioner Bauman.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

## LEGAL COUNSEL REPORT

### *Draft Inter-local Agreement (ILA) with Monroe County*

District Counsel Thomas Dillon reviewed his memo of June 7, 2005 concerning his comments on the Draft Inter-local with the Board. (See Exhibit "A")

Mr. Dillon requested consensus of the Board to allow him to take the words from the FEMA Agreement that deals with advances and rewrite them so that they would fit into the ILA and submit it to the County. The Board gave him consensus.

Chairman Brooks asked the Board if they felt that a Special Call meeting should be called to review the Draft Inter-Local before it goes to the BOCC on June 15, 2005 or should the Board rely on the District Counsel's expertise on if the ILA should be accepted.

District Counsel Thomas Dillon recommended that the KLWTD Board have a Special Call meeting for Monday June 13, 2005 to review the updated ILA if the County is able to get a draft to them with sufficient time for it to be reviewed, which would be Friday June 10, 2005. The meeting would be canceled if the ILA has not been received. If the ILA has not been received in time for the Board to review then Chairman Brooks and

District Counsel Thomas Dillon would review it and let the BOCC know if it is not acceptable to the District and needed to be rescheduled. The Board gave a verbal agreement to proceed with this plan of action.

*Financial Advisor*

District Counsel Thomas Dillon recommend RBC Dain Rauscher be selected as the KLWTD Financial Advisor.

**Motion: Commissioner Patton made a motion to approve the selection of RBC Dain Rauscher to serve as the KLWTD Financial Advisor. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

*Amendment Number Three to Consulting/Professional Contracts*

**Motion: Commissioner Patton made a motion to approve Amendment Number Three to the CPH and Arcadis Consulting/Professional Contracts. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 4 to 0

**ENGINEERS REPORT**

*Monthly Report*

Ed Castle stated that concerning Key Largo Park, he has put all of the pressure that he could on Airvac to get the re-profiles done. He has been in contact with Dave Ellis and Denny Moss. They are working as quickly as they can. Mr. Castle has received a voice mail from Mr. Moss saying that he has the calculations done and they are putting them in the AutoCAD. He anticipates that they will be done on Friday and it may be Monday or Tuesday that he will have the drawings in hand.

Chairman Brooks stated that the approved minutes state that Mr. Castle had give him the date of June 8, 2005 as to when Airvac would have the final drawings to the District. And now they are going to have them for the District by the 10<sup>th</sup>. Mr. Castle explained that they would not be in his possession until the beginning of the next week, the 13<sup>th</sup> or 14<sup>th</sup>.

Ed Castle reported that he has received the first set of submittals from ADB. Progress is being made in getting what is needed from ADB. There are no permits pulled as of yet but they have said that they have received the Monroe County ROW permit. Mr. Castle has not seen the permit yet. They are working on the South Florida Water Management dewatering permit. That permit will be in place before any dewatering is done.

Chairman Brooks asked, "When will ADB start digging in the Key Largo Park?" Mr. Castle explained that they could start digging as soon as the survey is done and they need a complete set of drawings to do the survey and they do not have the drawings yet. Mr. Castle does not have a date yet.

Mr. Castle reported that 65% of the pipes and pits placement in the Key Largo Trailer Village have been completed. There has been one pipe placed under US 1. He also reported that the Treatment Plant site is doing vertical construction. The tanks are set in place. They are estimating that at the latest they will be done with all of the Fluidyne equipment work by mid-July and will be ready for water testing.

Negotiations have been going on with CPH for the Sexton Cove/Lake Surprise Project.

Commissioner Bullock would like to have current aerials done of the Island of Key Largo. The Board requested that Mr. Castle obtain a cost estimate to have new set of aerials done of the Island.

*CPH Work Authorization for Sexton Cove Transmission Line, CPH Work Authorization for Sexton Cove Collection System, Work Authorization, Sexton Cove Transmission Line Surveying, Work Authorization for Sexton Cove Collection System Surveying*

These items will be reviewed by District Counsel Thomas Dillon and Ed Castle and be brought back to the Board.

Chairman Brooks reported that he attended the Contractors Progress report meeting. He feels that they have developed into a team and the progress that they have been making is very encouraging.

**ADJOURNMENT**

After a motion to adjourn by Commissioner Bullock and a second by Commissioner Patton the Board adjourned the meeting at 7:22 PM.

The KLWTD meeting minutes of June 8, 2005 were approved on July 6, 2005.

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Chairman Charles Brooks

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Carol Simpkins, CMC  
Board Clerk



# TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: July 6, 2005                      Agenda Item No.

- PUBLIC HEARING                       RESOLUTION  
 DISCUSSION                       BID/RFP AWARD  
 GENERAL APPROVAL OF ITEM       CONSENT AGENDA  
 Other:

**SUBJECT:** Pending Payments list for July 6, 2005

**RECOMMENDED MOTION/ACTION:** Motion to approve pending payments list for July 6, 2005 contingent upon available funds.

**Approved by General Manager** \_\_\_\_\_  
**Date:** \_\_\_\_\_

<b>Originating Department:</b> Finance	Costs: \$ Funding Source: Acct. #	<b>Attachments:</b> Pending payment list for July 6, 2005
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input checked="" type="checkbox"/> Finance <i>[Signature]</i>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

Approved                       Tabled                       Disapproved                       Recommendation Revised

Key Largo Wastewater Treatment District

Payments Pending 07/06/05  
Prepared 07/01/05

CONSOLIDATED CASH BALANCE FORWARD \$ 1,328,112.62

**Administration & Operations**

Cash Balance A&O Account Forward \$ 111,958.43

Plus: No Receipts

Less: FKEC - Office Electric Deposits	600.00
Nissan - Truck Lease (May & June)	438.00
DEP - Milander Operator License	125.00
BellSouth - Old Office & Rollover lines	104.91
Tom Dillon - Legal Services	2,499.50
Citizens Conferencing - Board Meeting Call-Ins	67.76
Comcast - Cable Installation & Service (June)	173.16
Federal Express - Deliveries	110.88
Visa - Postage (\$1,565), Truck Fuel (\$215), Misc.	2,192.53
Office Depot - Office Supplies	222.42
FL Mgmt. Services - Office Phone Service (incl. Instal.)	367.16
PRMG - Rate Study (Final - \$25,000 total)	<u>4,631.91</u>
Sub-total Invoices	11,533.23

**\$ (11,533.23)**

Cash Balance A&O Account If All Paid \$ 100,425.20

Memo: MSTU Draw #10 Submitted 6/2/05 \$78,534

**Key Largo Park**

Cash Balance KLP Account Forward \$ (72,462.88)

Plus: No Receipts

Less: ADB - Mobilization	150,000.00
Weiler Engineering - June	<u>3,022.43</u>
Sub-total Invoices	153,022.43

**(153,022.43)**

Cash Balance KLP Account If All Paid \$ (222,462.88)

Memo: MC 148 Final Draw Submitted 2/23/05 \$13,029

**Key Largo Trailer Village**

Cash Balance KLTV Account Forward \$ 1,288,617.07

Plus: FEMA II Draw #7 700,492.00

Less: Haskell Appl. #20 (May-not processed at 07/06/05)	???????
Fluidyne - Vacuum System (Delivery not verified yet)	???????
Tom Dillon - Legal Services	399.50
Weiler Engineering - June	<u>5,656.79</u>
Sub-total Invoices	6,056.29

**694,435.71**

Cash Balance KLTV Account If All Paid \$ 1,983,052.78

**North Key Largo Development**

Tom Dillon - Legal Services	4,103.00	<u>(4,103.00)</u>
-----------------------------	----------	-------------------

CONSOLIDATED CASH BALANCE IF ALL PAID \$ 2,006,912.10

Approved for payment:

\_\_\_\_\_  
Charles Brooks, Chairman

\_\_\_\_\_  
Andrew Tobin, Secretary

# TAB 4

**KEY LARGO WASTEWATER TREATMENT DISTRICT  
Agenda Request Form**

Meeting Date: July 6, 2005

Agenda Item No. 4

PUBLIC HEARING

RESOLUTION

DISCUSSION

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Rules & Regulations Article IX Section 9.01 System Development Fees

RECOMMENDED MOTION/ACTION: Discussion. Will be an action item at the July 20, 2005 meeting.

Approved by General Manager 

Date: 6-30-05

<b>Originating Department:</b> General Manager	Costs: \$ Funding Source: Acct. #	<b>Attachments:</b> 1 Rules & Regulations change form and a copy of the Policies.
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>CFZ</u> <input checked="" type="checkbox"/> Finance <u>MW</u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

**Summary Explanation/Background:** Staff and the District Rate Consultant recommend the System Development charge outline in the proposed Rule & Regulations Change Form attached. Further detail is contained in the "Financial Forecast and Wastewater Rate Analysis" report by PRMG dated 5.31.05. Mr. Tony Hairston of PRMG will be available during this meeting.

**Resulting Board Action:**


Approved

Tabled

Disapproved

Recommendation Revised

**Key Largo**  
**Wastewater Treatment District**  
 PO Box 491  
 Key Largo Monroe Co. Florida 33037  
 305-451-5105  
 www.KLWTD.net



Board of Commissioners  
 Charles Brooks  
 Gary Bauman  
 Andrew Tobin  
 Glenn Patton  
 Claude Bullock

General Manager: Chuck Fishburne - Clerk: Carol Simpkins - Finance Dir: Martin Waits

## Rules & Regulations Change Form

Date: June 27, 2005

Rule Change Log # 4

Agenda item # 4 July 6, 2005 Discussion July 20, 2005 Action

### Present Rule KLWTD

#### Article IX Fees and Charges

##### Section 9.01 System Development Fee (SDC) (15)

(15) The initial SDC for the Key Largo Wastewater Treatment District Service Area will be determined per EDU; and will be \$td per calculated EDU.

### Proposed Rule or Change

#### Article IX Fees and Charges

##### Section 9.01 System Development Fee (SDC) (15)

(15) The initial SDC for the Key Largo Wastewater Treatment District Service Area will be calculated as follows;

(i) For Residential Wastewater Service, the cost will be;

- 1) \$1,700 per EDU for the Wastewater Treatment Plant (WWTP) Capacity
- 2) \$1,000 per EDU for the Transmission Line Capacity
- 3) \$2,070 per connection to the Collection System

(ii) For Non-Residential Wastewater Service, the cost will be;

- 1) \$1,700 per EDU for the Wastewater Treatment Plant (WWTP) Capacity
- 2) \$1,000 per EDU for the Transmission Line Capacity
- 3) \$2,070 or actual cost whichever is greater per connection to collection system of the KLWTD Wastewater System.

**Financial Impact of Proposed Rule or Change on Residential Properties**

Submitted by Commissioner Glenn Patton

KLWTD Com Glenn Patton - In my opinion, the PRMG Report has established a reasonable and fair System Development Charge that will be fair to both the residents and commercial properties in the District...As proposed below;

The rate below is consistent with other SDC's in Monroe Co. Also, the total cost of providing a Wastewater system per EDU is \$10,000+, so the residential properties are getting a major improvement for less than 50% of the actual capital cost of the improvement.

Residential (not condo)

1 EDU

	<u>PRMG Proposal</u>
<b>Connection/Collection System Charge</b>	<b>\$ 2,070</b>
No. of Connections	1
Total Connection	<u>\$ 2,070</u>
<b>Capacity Charge</b>	<b>\$ 2,700</b>
Factor (EDUs based on flow)	1
Total Capacity Charge	<u>\$ 2,700</u>
<b>Total Connection + Capacity</b>	<b><u>\$ 4,770</u></b>

**Effect on Commercial Properties by Proposed Rule or Change**

KLWTD Com Glenn Patton –

In my opinion, the **commercial properties** in the District will be treated fairly, because they will be paying for the specific System Development components that they impact and use. The commercial properties will be paying for the WWTP capacity based on the property's EDU calculation, the transmission/force main capacity based on the property's EDU calculation. For the connection to wastewater into the system, the property will incur only a single connection fee of \$2,070 or actual cost of the plumbing whichever is greater that is collection required to get their wastewater into the KLWTD system....

	<u>PRMG Proposal Proposed in this rule change</u>	<b>Charges based on EDUs Not proposed</b>
<b>Connection/Collection Charge</b>	<b>\$ 2,070</b>	<b>\$ 2,070</b>
No. of Connections	1	182
Total Connection	<u>\$ 2,070</u>	<b>\$376,740</b>
	or Actual Cost of Connection	
<b>Capacity Charge</b>	<b>\$ 2,700</b>	<b>\$ 2,700</b>
Factor (EDUs based on flow)	182	182
Total Capacity Charge	<u>\$ 491,400</u>	<b>\$ 491,400</b>
<b>Total Connection + Capacity</b>	<b><u>\$ 493,470</u></b>	<b><u>\$ 868,140</u></b>

**Precedent Affected by Proposed Rule or Change – input by PRMG**

Other SDCs are similar in Monroe Co.

**General Financial Impact of Proposed Rule or Change**

The following is a direct quote from the PRMG Report page 4-9...

**Assessment program**

To avoid burdening new customers with a large upfront payment of the combined system development charges, the KLWTD has expressed interest in developing a twenty-year assessment program. At each customer's discretion, in lieu of the upfront system development charges, an annual non-ad valorem assessment would be charged through the Monroe County Property Appraiser and billed as part of the annual property tax bill. Based on the estimated cost of borrowed funds for KLWTD, the annual assessment for a typical single-family residential customer would be approximately \$348.00 per year over a twenty-year period as calculated below:

**Estimate of Annual Assessment**

Capacity Charge	\$2,700
Extension Charge	<u>2,070</u>
Total	\$4,770
Annual Amortization [1]	\$328.08
Plus: Administrative Costs [2]	<u>6.56</u>
Subtotal	\$334.64
Adjustment for Allowable Discounts [3]	<u>13.39</u>
Total Annual Assessment Before Discount	\$348.03
Assessment Amount per Month	<u>\$29.00</u>

- [1] Based on 20 year amortization at 3.25% annual interest rate.
- [2] Amount reflects estimated 2.0% administrative cost for preparation of assessment roll.
- [3] Amount reflects inclusion of 4.0% to account for property owners paying tax bill early and receiving 4.0% discount.

Therefore, the monthly cost of the total system development charges for a typical single-family residential customer would be approximately \$29.00 per month over twenty years.

**Legal Considerations – input by District Counsel**



**KLWTD Managers – Recommendation and Rationale**

Dividing the System Charge into three components (WWTP Capacity, Transmission Line, and Collection System) allows the District to fairly apportion charges for system components to all residents and businesses. The Regional Plant will provide service to the entire island of Key Largo, the Transmission Line to the north will service all customers to the north, half of the Island. When a Transmission Line is extended to the south end of Key Largo, Similar Transmission Line charges will be charged to the remaining residents of the District. Line costs will be comparable to the north Transmission Line. Collection System cost will need to be supplemented by Grants as they are today.

Date \_\_\_\_\_  
KLWTD Board Action

Approved Proposed Rules \_\_\_\_\_

With the following amendments;

Vote  
C. Brooks \_\_\_\_\_  
G. Bauman \_\_\_\_\_  
A. Tobin \_\_\_\_\_  
C. Bullock \_\_\_\_\_  
G. Patton \_\_\_\_\_

# TAB 5

**KEY LARGO WASTEWATER TREATMENT DISTRICT  
Agenda Request Form**

Meeting Date: July 6, 2005

Agenda Item No. 5

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING           | <input type="checkbox"/> RESOLUTION     |
| <input checked="" type="checkbox"/> DISCUSSION    | <input type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                   |   |

**SUBJECT:** Rules & Regulations Article IX Section 9.04 Monthly Customer Fees

**RECOMMENDED MOTION/ACTION:** Discussion. Will be an action item at the July 20, 2005 meeting.

**Approved by General Manager** *C. J. [Signature]*  
**Date:** 6-30-05

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> 1 Rules & Regulations change form
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>C.J.</u> <input checked="" type="checkbox"/> Finance <u>MW</u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Staff and the District Rate Consultant recommend the Monthly Customer Fees outline in the proposed Rule & Regulations Change Form attached. Further detail is contained in the "Financial Forecast and Wastewater Rate Analysis" report by PRMG dated 5.31.05. Mr. Tony Hairston of PRMG will be available during this meeting.

**Resulting Board Action:**

- Approved     
  Tabled     
  Disapproved     
  Recommendation Revised

**Key Largo**  
**Wastewater Treatment District**  
 PO Box 491  
 Key Largo Monroe Co. Florida 33037  
 805-451-5105  
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Board of Commissioners  
 Charles Brooks  
 Gary Bauman  
 Andrew Tobin  
 Glenn Patton  
 Claude Bullock

Manager: Chuck Fishburn - Clerk: Carol Simpkins - Finance Dir: Martin Wals

## Rules & Regulations Change Form

Date: June 28, 2005

Rule Change Log # 5

Agenda item # 5 July 6, 2005 Discussion July 20, 2005 Action

Submitted by Commissioner Glenn Patton

KLWTD Com Glenn Patton - In my opinion, the PRMG Report has established a reasonable and fair Monthly Customer Rate Charge the will be fair to both the residents and commercial properties in the District...As proposed below;

### Present Rule KLWTD

#### Article IX Fees and Charges

##### Section 9.04 Monthly Customer Fees.

(1) Base Facility Charge:

- (i) Residential (Single Unit) Wastewater Service (other than Senior Citizens/Disabled American Veteran Wastewater Service): tbd
- (ii) Senior Citizens/Disabled American Veteran Wastewater Service): tbd
- (iii) All other classes of Service: tbd

(2) Wastewater Flow Charge. The Wastewater Flow Charge is the monthly charge per thousand gallons of wastewater flow, based on metered water consumption, billed in 1000 gallon increments:

- (i) Single Family Residential: \$tbd ptg billed up to a maximum 12,000 gallons of metered water consumption per month
- (ii) All other classes of service: \$tbd ptg for all metered water consumption
- (iii) All metered water use will be billed the Wastewater Flow Charge except that no Wastewater Flow Charge will be applied to water use from a separately metered irrigation account.
- (iv) The Wastewater Flow Charge for Customers with Alternative Water Supply Customers with Wastewater Service whose source of potable water is an alternative water supply (other than Florida Keys Aqueduct Authority) will be charged a fixed Monthly Charge for wastewater service in the amount of: \$tbd

## Proposed Rule or Change

### **Article IX Fees and Charges**

#### *Section 9.04 Monthly Customer Fees.*

- (3) Base Facility Charge applicable to all Customers::
- (i) Wastewater Service Base Facility Charge - \$33.60 per EDU per month
- (4) Wastewater Flow Charge. The Wastewater Flow Charge is the monthly charge per thousand gallons of wastewater flow, based on metered water consumption, billed in 1,000 gallon increments:
- (i) Residential Wastewater Service: \$5.27 per thousand gallons (ptg) billed up to a maximum 12,000 gallons of metered water consumption per month
  - (ii) All other classes of service: \$5.27 per thousand gallons (ptg) for all metered water consumption.
  - (iii) All metered water use will be billed the Wastewater Flow Charge except that no Wastewater Flow Charge will be applied to water use from a separately approved metered irrigation or approved exempt metered account.
  - (iv) The Wastewater Flow Charge for Residential Customers with Wastewater Service whose source of potable water is an alternative water supply (other than Florida Keys Aqueduct Authority) will be charged a fixed Monthly Charge for wastewater service in the amount of: \$44.14

### Financial Impact of Proposed Rule or Change – input by PRMG

#### Residential Rate

Usage (Kgals)	Base Rate	Usage Charge	Total Bill [1]	# of Bills [2]	
				%	Cumulative
0	\$33.60	\$0.00	\$33.60	15.1%	15.1%
1	33.60	5.27	38.87	25.0%	40.1%
2	33.60	10.54	44.14	14.9%	55.0%
3	33.60	15.81	49.41	13.4%	68.4%
4	33.60	21.08	54.68	10.2%	78.6%
5	33.60	26.35	59.95	7.1%	85.7%
6	33.60	31.62	65.22	4.9%	90.6%
7	33.60	36.89	70.49	3.1%	93.7%
8	33.60	42.16	75.76	3.1%	96.9%
9	33.60	47.43	81.03	0.8%	97.6%
10	33.60	52.70	86.30	1.1%	98.7%
11	33.60	57.97	91.57	0.9%	99.7%
12	33.60	63.24	96.84	0.3%	100.0%

## Example Monthly Commercial Bill

### 10 EDUs

Usage (Kgals)	Base Rate	Usage Charge	Total Bill [1]	Average Rate per 1000 Gallons
0	\$340.00	\$0.00	\$340.00	N/A
1	340.00	5.30	345.30	\$345.30
10	340.00	53.00	393.00	39.30
20	340.00	106.00	446.00	22.30
30	340.00	159.00	499.00	16.63
40	340.00	212.00	552.00	13.80
50	340.00	265.00	605.00	12.10
100	340.00	530.00	870.00	8.70

### People Most Affected by Proposed Rule or Change

### Precedent Affected by Proposed Rule or Change – input by PRMG

Page 3-4 of the PRMG Report May 31,05

Based on the projected net revenue requirement, the wastewater rates effective for the initial operations of the KLWTD wastewater facilities are proposed as follows:

#### **Proposed Wastewater Rate Schedule Effective Fiscal Year 2006 [1]**

AVAILABILITY CHARGE (Per EDU)		
All Customer Classes		\$33.60
VOLUMETRIC CHARGE (Per 1,000 Gallons)		
Residential, Individually Metered		
<u>Monthly Usage Range (Gallons)</u>		
0-12,000		\$5.27
Above 12,000 Gallons		0.00
Commercial and Master Metered Residential		
All Usage Levels		\$5.27

[1] Rates shown reflect initial wastewater service for the 183,000 gpd KLWTD wastewater facility. After the initial year of operations, the above rates should be adjusted by the annual change in the Consumer Price Index (CPI) as published by the U.S. Department of Labor. Such small annual adjustments reflect annual increases in costs that the KLWTD will face due to the effects of inflation.

Table 3-4 at the end of this section contains a summary of monthly residential bills by usage level. Based on the historical usage history for those individually metered residential customers that will receive initial service, approximately 55.0% use 2,000 gallons or less per month and would receive a monthly wastewater bill of \$44.14 per month or less under the proposed rates above. This amount does not include the payment of the system development charges through the assessment program discussed in Section 4 of this report. As discussed in Section 4, for those customers choosing to pay their system development charges through the assessment program, the typical residential assessment on a monthly basis is approximately \$29.00.

**General Positive Impact of Proposed Rule or Change**

None

**General Negative Impact of Proposed Rule or Change**

None known

**Legal Considerations – input by District Counsel**

**KLWTD Managers – Recommendation and Rationale**

Staff recommends \$33.60 per month base charge and \$5.27/1000 gal usage charge. These rates are required to meet the District's projected wastewater revenue requirements for the next five years.

Date \_\_\_\_\_

KLWTD Board Action

Approved Proposed Rules \_\_\_\_\_

With the following amendments;

Vote

C. Brooks \_\_\_\_\_

G. Bauman \_\_\_\_\_

A. Tobin \_\_\_\_\_

C. Bullock \_\_\_\_\_

G. Patton \_\_\_\_\_