

Minutes  
Key Largo Wastewater District Board  
Tuesday, November 19, 2002  
Key Largo, Florida

The first meeting of the Key Largo Wastewater District convened at 6:00 P.M. on the above date at the Key Largo Library.

Meeting was called to order by County Administrator James Roberts.

All stood for the Pledge of Allegiance.

Introductions were made by the Board:

Gary Bauman  
Cris Beaty  
Charles Brooks  
Andrew Tobin  
Jerry Wilkinson

Judge William R. Ptomey administered the Oath of Office to all board members.

Mayor McCoy congratulated and welcomed the newly appointed board members and emphasized the hard work involved in this challenge.

Commissioner Nelson spoke to the board and thanked each member for their efforts and the tenuous task ahead.

### **Election of Officers**

#### **Chairperson**

Motion was made by Gary Bauman to nominate Andrew Tobin as Chairperson. Cris Beaty seconded that nomination.

Motion was made by Jerry Wilkinson to nominate himself as Chairperson.

No second.

Motion failed.

First motion carried unanimously.

#### **Vice Chairperson**

Motion was made by Andrew Tobin to nominate Jerry Wilkinson as Vice Chairperson.

Motion seconded by Cris Beaty.

Motion carried unanimously.

**Secretary/Treasurer**

Motion made by Vice Chairperson Wilkinson to nominate Cris Beaty as Secretary/Treasurer.

Motion seconded by Charles Brooks.

Motion carried unanimously.

Board granted approval to ratify the election of officers and to authorize Chairperson to sign official documents on behalf of the Board.

Motion seconded by Vice Chairperson Wilkinson.

Motion carried unanimously.

Board granted approval to adopt the Roberts Rules of Order.

Motion made by Vice Chairperson Wilkinson.

Motion seconded by Charles Brooks.

Motion carried unanimously.

Mr. Jim Reynolds, FKAA Deputy Executive Director, discussed the status of the Key Largo wastewater projects, schedule and transitional issues. Mr. Reynolds stated that FEMA is anticipating a transfer agreement between the Key Largo Wastewater District Board and FKAA. FKAA does not want to jeopardize any of the grant money and to put the Key Largo Wastewater Board in the position where the grant money can be secured.

Chairperson Tobin requested from the FKAA all documentation involving Key Largo wastewater issues to bring the Board up to date.

The transfer agreement is a draft document that will set forth how the FKAA as the sub-grantee with FEMA and that the Key Largo Wastewater District Board will be responsible for meeting FEMA criteria and moving ahead as planned. Mr. Reynolds stated a letter was received from Mr. Todd Davidson of FEMA stating that funds would only be provided for the Key Largo Trailer Village and Key Largo Park otherwise funds would be withdrawn.

Mr. Paul Feldman, Director of Environmental Services of FKAA addressed the Board. Mr. Feldman stated that the Key Largo Park (MM 100.5), across from the proposed plant site, is to be partially funded by a \$1.66 million grant from the state, which was approved by Governor Bush in the FY 2003 Budget and being administered by DEP. It is targeted to be an add-on system to the Key Largo Trailer Village project.

FEMA provided a \$6.4 million grant for the Key Largo Trailer Village project. DCA informed FKAA that the state match has to be contractually committed to be spent within five years of the event (i.e. Hurricane Georges) for which the grant is made. By September 2003, you have to be contractually committed to get the state match. If you don't get state match you won't get the federal match.

Fred Middle of Boyle Engineering addressed the Board. The Key Largo Trailer Village is a Design/Build Project. RFP documents will be available for the Board's review in late December and with bids scheduled to be received in early February.

The Key Largo Park project is dependent on the success of the Key Largo Trailer Village Project. Key Largo Park is a simpler design and will be a low bid process. This simple bid process, will make it easier to meet the March 1, 2003 FDEP deadline.

Mr. Bob Feldman, FCAA legal counsel, indicated that his agency wants to help with transfer of funding. Mr. Feldman has concerns regarding meeting any deadlines and that he expressed these concerns to Representative Sorensen initially.

County Administrator, Mr. Roberts, spoke to the newly appointed Board. He briefed the Board on the Sunshine, Public Records and Ethics laws.

Mr. Roberts discussed the fact that the citizens of Key Largo voted to have this Board but did not vote to raise funds through taxation to support the Board, therefore, there is no current source of funding. A possible option for funding could be through the four year taxation process to continue project implementation such as Baypoint, Conch Key, Key West, Marathon with Municipal Service Taxing Units (MSTUs).

BOCC previously committed \$100,000 to financially this board through an Interlocal Agreement. These funds would have to be reimbursed to the County at a later date.

Mr. Roberts emphasized the commitment of Monroe County and staff to helping getting the Board started.

Mr. Feldman stated that the legal authority of the FCAA regarding Key Largo wastewater has ended and it is now the responsibility of the Board most likely through Interlocal Agreements in which way to proceed. Mr. Feldman mentioned the MSTU funding source previously identified by Mr. Roberts. He advised that the Board has until June 2003 to have an ordinance adopted by the County be included with the county and other municipalities under this funding option.

Mark Lawson, special bond counsel to the FCAA, advised the Chairperson that the Board could work through the FCAA but not independently. FCAA will do an Interlocal Agreement with each municipal service district and Key Largo could do the same; however, Monroe County is the entity to raise the taxes. As with the FCAA, the Board can only set its rate structure and regulations through the cumbersome procedures of Chapter 120, Florida Statutes.

Mr. Roberts does not believe BOCC will approve MSTU for Key Largo unless the Board specifically requests such action.

The Key Largo Wastewater District Board scheduled a meeting for Wednesday, December 4, 2002, at the Key Largo Library at 5:00pm.

A suggestion was made that all contact is made through Mr. McGarry, Director of Growth Management in the future regarding items to be placed on the agenda and preparation of it until the Board hires staff.

Chairperson Tobin stated Terranova.net has agreed to host the Board's website and provide some services.

Motion made by Chairperson Tobin to approve the above website of the Board to be klww.org with each commissioners email address to be:

[Last Name@KLWW.org](mailto:Last Name@KLWW.org)

Seconded by Vice Chairperson Wilkinson.

Motion approved unanimously.

Vice Chairperson Wilkinson discussed the arrangement of funding and the transferring of fund balances. Vice Chairperson Wilkinson would like to request a joint session with Monroe County to discuss budget issues and transfer of fund balances from Funds 304 and 148 to the Board.

Motion made by Gary Bauman to create a resolution to request Representative Sorensen exempt this Board from Florida Statute 120 (Rule Making). Commissioner Nelson stated he would support this resolution.

Seconded by Charles Brooks

Motion carried unanimously.

Motion made by Charles Brooks and seconded by Chairperson Tobin that Charles Brooks attend the November 20, 2002 BOCC meeting representing the Board regarding the request and/or the acceptance of the \$100,000.

Motion carried unanimously

Motion made by Charles Brooks and seconded by Chairperson Tobin to request Commissioner Nelson place an add-on item requesting the \$100,000 be made available to the Key Largo Wastewater District Board at the November 20, 2002 Board of County Commissioner's meeting.

Motion carried unanimously.

Chairperson Tobin suggested firm of Lewis, Longman and Walker be hired to provide legal counsel to the board with a fee schedule deferring payment of four months.

Motion made by Chairperson Tobin to sign contract with the firm of Lewis, Longman and Walker. Board is inclined to hire firm and would like to see a presentation at the next meeting by the firm.

Chairperson Tobin discussed the various committees and suggested that a liaison be appointed to each committee:

FCAA: To be assigned

MC: To be assigned

DEP: To be assigned

ACOE: To be assigned

Intergovernmental Task Force: Charles Brooks  
Florida Marine Sanctuary Steering Committee: To be assigned  
Office and Staffing Committee: Cris Beaty  
Budget Committee: Gary Bauman  
Revenue Committee: Charles Brooks  
Technical Evaluation Committee: Vice Chairperson Wilkinson

### **UPCOMING AGENDA ITEMS**

**Chairperson Tobin:**

Status report from FKAA  
FKAA update  
Delivery of draft RFP from FKAA

**Vice Chairperson Wilkinson:**

Letter of introduction to the governor that the Key Largo Wastewater District Board is formalized.

**Comm. Brooks:**

Adopt a resolution or advertise intent to schedule public hearing to request property appraiser and tax collector to extend deadline from January 1, 2003 to March 1, 2002, in order to include any special assessment adopted by the Board in trimm and tax notices for 2003.

**Vice Chairperson Wilkinson:**

Contact Representative Sorensen requesting an extension for Line Item #1765 to the year 2005.

**Chairperson Tobin:**

Terry Lewis from law firm Lewis, Longman and Walker for presentation

**Chairperson Tobin:**

Appointment of board members to various committees

**Vice Chairperson Wilkinson:**

Florida Rural Asst. Special (not formal agenda item)

**Comm. Bauman:**

Time limit for meetings – 3 hours

**Comm. Brooks:**

Discussion of funding sources with DEP and grant funds. Commissioner Brooks made a motion to approve the submission to state with an application for water project funding under House Bill 851. A letter should be compiled that Monroe County did prepare the application on the Board's behalf and should now contact the Board directly.

**Chairperson Tobin:**

Timothy McGarry to obtain information regarding various funding sources.

**Comm. Brooks:**

A motion was made requesting Commissioner Nelson to continue to allow the Key Largo Wastewater District Board to continue using that office as a central location.

Seconded by Cris Beaty.

**Vice Chairperson Wilkinson:**

Tom McDonald, CPA, has offered free accounting services on a temporary basis to the Board.

Gary Bauman directed to meet with him for further discussion.

**Public Speakers**

Van Cadenhead

There being no further business to come before the Board, the meeting was adjourned.

Minutes  
Key Largo Wastewater District Board  
Wednesday, December 4, 2002  
Key Largo, Florida

The second meeting of the Key Largo Wastewater District convened at 5:00 P.M. on the above date at the Key Largo Library.

- A) *Meeting was called to order.*
- B) *All stood for the Pledge of Allegiance.*

Present were Commissioner Gary Bauman, Commissioner Cris Beaty, Chairperson Andrew Tobin, Commissioner Charles Brooks, Commissioner Jerry Wilkinson.

- D) *Approval of Minutes of November 19, 2002, Meeting*  
Motion made by Chairperson Tobin approving November minutes.  
Motion seconded by Commissioner Brooks.  
Motion carried unanimously.

F) *Action Items*

8) Mr. Terry Lewis of the legal firm of Lewis Longman & Walker made a presentation to the Board with associate Amy Dukes.

Mr. Tobin discussed that working with this firm would not be a conflict of interest as he worked with Mr. Lewis' brother in the past.

Mr. Lewis was previously presented with a work in progress provided from FKAA and asked what would be involved in meeting the March 1, 2003, deadline.

Mr. Lewis stated that the firm will be involved in the development and adoption of Rules of Administration and Rules of Operation to the District now that the Board is a public agency, a political subdivision in the state of Florida designated as a special taxing district by the Special District's Accountability Act. The firm will also assist in the Board's budget, Rules of Public Records, sunshine laws, conflicts of interest, interlocal agreements with other agencies.

Mr. Lewis stated that the March 1, 2003, deadline appears to be exceedingly difficult to be able to secure funding until an assessment becomes available. Chapter 197, Florida Statutes, allows an assessment to be added to the tax roll if the Board sends out the bills themselves. Unless the Board is willing to forego Chapter 197, one must plan for facilities and competent engineers in that this levy must benefit landowner that you are taxing. Mr. Lewis feels there is a need for more order to make this process work.

Commissioner Bauman inquired as to the cost of potential legal fees in hiring this firm. Mr. Lewis estimated legal fees could range from \$6,500 – \$10,000 per month based on the assistance of the firm.

Commissioner Wilkinson asked if they were within the law to go ahead without advertising for engineering. Mr. Lewis indicated that there was a threshold in which they could work and possibly declare an emergency.

Commissioner Brooks asked about travel reimbursement and that he would only charge one way. He also stated that teleconferencing worked well in the past.

Motion made by Commissioner Brooks to hire the firm of Lewis Longman & Walker on an hourly basis terminable in 30 days and will look at other legal options.

Motion seconded by Commissioner Wilkinson.

Motion carried unanimously.

Ms. Amy Dukes from the firm of Lewis Longman & Walker introduced herself to the Board. Much of the work would be done by her rather than Mr. Lewis.

***E) Status of Key Largo Trailer Village and Key Largo Park Projects***

FKAA discussed that FEMA will want to know how the transfer agreement will work after they are done with the environmental assessment of the sewer plant site. FKAA needs to remain, as sub-grantee until the process is complete (February timeframe) in order to secure grant funds.

***F) Action Items***

1) Commissioner Beaty indicated that meeting sites are available at the Westin and Howard Johnsons for workshops.

7) Discussion and approval to advertise public hearings to enact special assessment. Chairman has authority to arrange meeting dates and staff can contact other Board members. Multiple dates will be advertised for future public meetings.

**WORKSHOP DATES:**

Jan. 7, 8, and 14 @ 2pm at Howard Johnsons Hotel

**REGULAR MEETING DATES:**

January 15, 2003 at 5:00 p.m., Key Largo Library

January 22, 2003 at 7:00 p.m., Key Largo Library

Motion made by Commissioner Brooks to approve January 2003 meeting dates.

Motion seconded by Commissioner Wilkinson.

Motion carried unanimously.

2) Discussion and interim procedures for preparation of agenda and the dissemination of Committee reports. The County will continue to support the Board and provide assistance as requested through January 2003. All items will be submitted to Mr. McGarry to be placed on an agenda as well as the Internet.



3) Monroe County Commissioner Nelson stated that the terms of the agreement were amended with the following changes to read under the current rate structure: the interest rate will be based on the State Revolving Fund (SRF) rate as adjusted for the length of time for repayment of three years.

Motion was made by Commissioner Brooks to accept the amended Interlocal Agreement.

Motion seconded by Commissioner Bauman.

Motion carried unanimously.

4) Discussion and approval of the use of the \$100,000 in loan funds from Monroe County. Item tabled until approval of budget.

5) Discussion and approval to establish bank account. Legal counsel suggested using a local vendor and that this action does not require an RFP. TIB Bank has shown interest in assisting the Board.

Motion made by Commissioner Brooks to establish a bank account.

Motion seconded by Commissioner Beaty.

Motion carried unanimously.

Chairperson Tobin requested the Board reconsider the workshop scheduled as that legal counsel will be able to review all information provided to them. Workshop dates will be set at a later time.

Motion made by Commissioner Brooks to reconsider and rescind workshop dates till future date.

Motion seconded Commissioner Wilkinson.

Motion carried unanimously.

6) Discussion and approval to request Property Appraiser and Tax Collector to extend deadline from January 1, 2003, to March 1, 2003, to allow Board to adopt special assessment.

Mr. Lewis stated that there is a provision in Chapter 197 extending the deadline to March 1, 2003. The Board would need to notify the Property Appraiser and Tax Collector of such and notify those citizens affected and what the improvements are going to be. A specialist would then prepare an assessment roll and tentatively adopt a resolution establishing those assessments.

Once all properties have received notice of the intended assessment, the Board then holds a public hearing adopting the assessment. The Board then goes to the Property Appraiser and puts the assessment on the tax roll.

Motion made by Commissioner Wilkinson to utilize Chapter 197 for the purpose of collecting any assessment that the Board is going to levy for projects in Key Largo.

Motion seconded by Commissioner Bauman.

Motion carried unanimously.

**I) Public Input**

Mr. Howard Armell, resident of Key Largo Trailer Village stated that he notified the state representative of this meeting and that info was sent down regarding contracts should the Board need any assistance.

**F) Action Items**

7) Discussion and approval to advertise public hearings to enact special assessment. Item tabled.

9) Discussion and appointment of liaison(s) with FKAA, Monroe County, FEDP, U.S. Army Corps of Engineers, and FEMA/FDEP (Florida Division of Emergency Management). Item tabled.

10) Report on status of request to Representative Sorensen to seek an exemption for the District from the provisions of Chapter 120, F.S. (Administrative Procedure Act). Commissioner Bauman stated the County Commissioner Murray Nelson wrote a letter to Representative Sorensen and that he agreed to move the exemption forward.

11) Discussion of the requirements of Chapter 189, F.S. including action on the designation of registered office and a registered agent and filing such information to Monroe County and the Florida Department of Community Affairs within 30 days of first meeting (Section 189.46). Mr. Lewis to address the above issues and complete necessary paperwork. Legal counsel stated that any public official is required to fill out a financial disclosure form from the Ethics Commission or local Supervisor of Elections by each individual board member.

**G) Committee Reports**

1) Office/staffing committee report (Commissioner Beaty)  
Committee Beaty stated George Scott of Thrifty Rental Car, Tavernier MM 91, has available office space at that location. April 1, 2003 the monthly rental will be \$450 per month. Counsel stated a mailing address and a location for the storage of public records is necessary. After further discussion, Commissioner Murray Nelson's office will continue to be used as temporary office space in the interim.

Motion made by Commissioner Brooks to use Thrifty Rental Car as storage facility as needed.

Motion seconded by Gary Bauman.

Motion carried unanimously.

2) Budget committee report (Commissioner Bauman)  
Commissioner Bauman stated he created an overhead budget. Mr. Lewis emphasized that the records have to be audited every year by a professional. Mr. Lewis will send a format on budgeting and give another format to look at.

3) Revenue committee report (Commissioner Brooks) – Item tabled.

4) **Technical committee report (Commissioner Wilkinson) –**  
Commissioner Wilkinson wants a qualified engineer to review Boyle Engineering plans to protect the citizens and the Board.

Mr. Dave Refling, Boyle Engineering feels that the Board has the right to employ their own engineering firm to review Boyle's plans. He indicated that it was customary and reasonable to employ a second engineer for the bid evaluation but it was not customary to employ a second engineer to review the current plans. He further indicated that the FKAA had just approved task authorization for Key Largo Village and Key Largo Park.

Commissioner Bauman feels that Boyle Engineering is fine and that an additional doesn't need another engineer to review. Estimated cost for a firm to review the plans prepared could range from \$5,000 to \$50,000.

Mr. McGarry stated the County is paying Boyle Engineering for the work they are doing and trusts their opinion as FKAA is reviewing them. A second opinion could be used to review bids but not sure of where funding comes from. This item to be continued.

Committee reports to carry over to next agenda.

**H) Discussion Items**

1. Difficulty obtaining information and documents. Item tabled.
2. Employment of part-time person as staff-secretary-clerk. No Action.
3. Comparison of MSTU and special assessment process. Continue to next public meeting.
4. Apportioning the "hook-up" fees to all of Key Largo. Continue to upcoming workshop.
5. Discussion of the need for a specific written plan to meet March 1, 2003, deadline and consequences of not meeting deadline, such as what happens to the \$1.6 million grant and what is the impact on the Key Largo Trailer Village project? Continue to public workshop on December 16, 2002.
6. Discussion of suggestion made by Commissioner Wilkinson to request that Monroe County transfer to the Key Largo Wastewater District its share of fund balances, other paid taxes and state revenue sharing funds to support District's wastewater functions and projects. Legal counsel to review.
7. Discussion of desirability to enter into a sole source contract with a management services firm to provide administrative and operational support to the District. No action.

**JANUARY ITEMS:**

- Discussion between special assessment and MSTUs.

Meeting adjourned.