

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.

D) 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.