

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



AUGUST 3, 2005  
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on August 3, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin who arrived at 5:05 PM. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Brooks.

***Approval of the Agenda***

The agenda was approved with the following changes. Commissioner Bauman stated that because of the large agenda the following items could be removed: item I-9 Resolution No. 07-07-05, E-1 the Video presentation, G-2 the summary discussion on Utility Rule Drafting/Modifications and Ultimately approving, and I-10 the Summarizing specific rules of order. Commissioner Bauman stated the lack of back up as the major reason to continue the items.

Commissioner Bullock has a problem with the Robert's Rules. He feels that if they are modified they should be done by a separate actions. He is for just staying with Robert's Rules.

Commissioner Patton concurs with what Commissioner Bullock said and it would be good to clarify what version is being used. He does not see any need to change the agenda it can be gone through quickly.

Chairman Brooks explained that item I-9 is to clarify what version the Board will be using of Robert's Rules. The Board decided to leave I-9 on the agenda.

Item G-2 is the Commissioner's Round Table and the Board decided to leave it on the agenda.

Item I-10 was removed from the agenda.

Chairman Brooks requested that Commissioner Items be moved to either follow action items or the status reports.

General Manager Charles Fishburn requested that item I-13 be removed from the agenda. He also requested that items I-1, I-12, I16, I-21 be moved up.

The Board decided to move the action items to first place. Commissioner Items will be taken up after the actions items and before discussion items.

***Public Comment***

Chairman Brooks stated that he will have public comment under public comment and not under each item unless the Chair or the Board decides otherwise. The speaker cards need to be filled out before the item is read. If someone comes in late and wishes to speak on an item the Chair will remain flexible and take each case under consideration while maintaining order and decorum.

The following persons addressed the Board: Vicky Fay, 139 2<sup>nd</sup> Court, Key Largo, and Robert Burt, 219 Allen Drive, Key Largo. Ms. Fay requested that the District send out a letter to the KLV residents outlining the process of putting in the residents lateral and abandoning the septic tank. Mr. Burt requested more time to complete the hook up and to decommission the septic tanks. He also asked if the District could assist in getting the County to waive the permit fee.

Commissioner Tobin requested that resolutions be brought back to the Board one to the Department of Health to waive the \$40 permit fee and one to the County waiving the \$52 permit fee. He would also like a "how to" letter sent to the residents.

***Commissioner's Roundtable***

***Summary Discussion on Utility Rule Drafting/Modifications and Ultimately Approving***

Chairman Brooks explained that the Board has been furnished forms and instructions on how to review the Rules and Regulations and how to change them. He asked the Board if they wished to continue in that manner or if they would like to review the policies on a screen, go over them one at a time, and make the changes to them at that time.

Commissioner Patton stated that he has made some of the recommended changes and District Counsel Thomas Dillon has made most of the major modifications. Commissioner Patton feels that the procedure that is now in use addresses the very specific items and he feels that that is the way the Board should proceed.

Commissioner Tobin would like to recommend that the Rules and Regulations be broken into three parts. The parts should be the internal operating policies of the Board, the rates, and then the rules. He has no desire to participate in the technical end.

Commissioner Bullock agrees with Commissioner Patton.

Commissioner Bauman had no comment.

Chairman Brooks asked Staff when they estimated completion of the review on the Rules and Regulations.

General Manager Charles Fishburn stated that the requirements of SRF, non ad-valorem assessment, etc. will be met.

District Counsel Thomas Dillon explained that if the Board members wish to contact him with a requested change he would be happy to do it and put it on a change request form and submit it. He stated that the District is prioritizing appropriately.

***Action Items***

*RESOLUTION NO. 07-07-05*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE SELECTING AND APPROVING OF THE SPECIFIC VERSION OF ROBERT RULES OF ORDER NEWLY REVISED (RONR). SPECIFYING RONR WILL BE USED FOR REFERENCE AND GUIDANCE IN THE ORDERLY PROCEEDINGS OF THE KLWTD BOARD OF COMMISSIONERS.*

Commissioner Tobin had a point of order. He objected to the resolution being on under action items. He reminded the Board that an item was supposed to come before the Board for discussion and then be brought back for action at the next meeting. His second objection was that the Robert's Rules of Order addressed in the resolution should be reviewed by everyone first. Commissioner Tobin's third objection was the reference to "The dissenting commissioners with their disruptive, dilatory, and non-germane dialogue have caused ambiguity, ambivalence, and confusion as to the KLWTD Board's policies and directions."

Chairman Brooks called a point of order because Commissioner Tobin was discussing the item and there was no motion made. Chairman Brooks asked if any Commissioner would like to make a motion.

Commissioner Tobin asked the Chair to make a ruling on his objection as to the resolution being put on as an action item.

Chairman Brooks stated that if that rule was followed than everyone of the action items would be moved to discussion.

**Motion: Commissioner Patton make a motion that the resolution be discussed at the current meeting and make any modification necessary and bring it back for a vote at the next meeting. Commissioner Bullock seconded Commissioner Patton's motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks		X	

Motion passed 4 to 1

Chairman Brooks stated that the resolution has been move to discussion.

*RESOLUTION 06-07-05*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, TO PROVIDE COPIES OF THE KLWTD AGENDAS, MINUTES, AND RESOLUTIONS FOR PUBLIC INSPECTION; REVOKING RESOLUTION NO. 2003-20, AND RETRIEVING AGENDA PACKAGES FROM KEY LARGO PUBLIC LIBRARY*

**MOTION: Commissioner Tobin made a motion to approve Resolution No. 06-07-05 and Commissioner Bullock seconded the motion.**

The Board requested that a sign be placed at the library telling the public the packages are at the District office and they are available on the web site also.

Commissioner Tobin requested that in the last paragraph in the resolution include minutes and resolutions.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

*RESOLUTION NUMBER KLWTD 08-07-05*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.*

District Counsel Thomas Dillon explained that the resolution had to be passed at the current meeting. The resolution established the details of how things need to be done for the non ad-valorem assessment process.

**MOTION: Commissioner Patton made a motion to approve Resolution No. 08-07-05 as amended and the motion was seconded by Commissioner Bullock.**

After discussion among the Board Mr. Dillon reviewed what the changes to the resolution might be. On page 3 strike “not likely to” and insert “cannot be improved” concerning vacant lots, concerning Laundromat, strike “Laundromat” insert “stand-alone laundry business that provides self-service and non self-service laundry facilities for the public. A Laundromat is not part of a hotel, motel, campground, or other similar facilities.” On page 10 in the first line of paragraph F at the top “commercial” will be changed to “non residential”. The last sentence will be changed to reflect that the quotation will be rounded up to the next tenth and there is a minimum EDU per parcel of 1.0. At the bottom of page nine “vacant lots” will be changed to “vacant parcel.” On page ten the “most recent 36 months” will be change to the “most recent 3 calendar years.” The total for the amount raised will be inserted after the tax roles have been prepared.

Vote on motion with changes

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

*Rule change log #3, Article IX Fees & Charges, Section 9.01 Plan Review Fee (1)*

**MOTION: Commissioner Patton made a motion to accept Rule Change Log 3 and Commissioner Bullock seconded the motion.**

Commissioner Tobin did not like that the plan review and inspection were together. He is concerned with redevelopment reviews. Commissioner Tobin would like to see language about if a project is over fifty units the rates may be adjusted with out having to go to an appeal.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin		X	
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 4 to 1

*Minutes of July 13, 2005*

Commissioner Tobin stated that he has not read the minutes yet and would like to table the minutes until the next meeting.

**MOTION: Commissioner Bauman requested that the Minutes of July 13, 2005 be tabled and Commissioner Patton seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

*Pending Payments List*

Financial Officer Martin Waits reviewed the pending payments list.

**MOTION: Commissioner Patton made a motion to approve the pending payments list of August 3, 2005 subject to the availability of the funds and the motion was seconded by Commissioner Bullock.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		
Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

*Color Camera for Lateral Inspections*

General Manager Charles Fishburn asked to remove this item from the agenda.

*AutoCAD Software*

Mr. Fishburn explained the uses for the software. Commissioner Patton suggested that staff look at TurboCad Pro it would do what the District needs for \$800.

**MOTION: Commissioner Bullock made a motion to table the AutoCAD issue until the next meeting. Motion was seconded by Commissioner Tobin.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Patton	X		

Commissioner Bullock	X		
Vice Chairman Bauman	X		
Chairman Brooks	X		

Motion passed 5 to 0

**Discussion Items**

*Paperless Meetings*

General Manager Charles Fishburn explained the process of using laptop computers.

Commissioner Bauman does not think that he would use the laptop. Commissioner Bullock stated that he would use it. Commissioner Patton said that he does not have a problem with using the laptops and it may be beneficial. Commissioner Tobin explained that after the Rules and Regulations laptops would not be necessary. He would not have a problem with a projection system with a screen. Chairman Brooks is in favor of using the laptops.

**Commissioner Items**

*Open Debate Policy*

Commissioner Tobin stated that the open debate policy (see exhibit "A") will codify what the Boards actual practice is. A policy needs to be established stating that commissioners need to talk to each other. Commissioners need to ask staff questions. Debate either is needed before or after a motion is made. It should not be left up to the Chair to allow a question from the Board to staff, especially on an important resolution.

Commissioner Patton stated that he would be opposed to an open debate policy because it does not give the Chair the support he needs to run the meeting.

Commissioner Bullock stated that the Chair has to have control of the meeting. At times he would like to ask staff questions, but is that open debate. If a motion is not a good motion it should not get a second. The Chair has the responsibility to give each commissioner a complete say on the specific issue; if that happens then there is no need for an open debate policy.

Commission Bauman stated that the Board did the open debate policy very effectively the first two years. The length of the current meetings has doubled. Commissioner Bauman thinks that the longer meetings exist because the members cannot ask specific questions to specific people at specific times like they did the first two years. He stated that Robert's Rules were around before the Florida Sunshine Law and they do not work well together.

Chairman Brooks stated that he sees no change in the length of the meetings. He had no comment on the open debate policy.

Commissioner Tobin said that when he was the Chairman the first year Commissioner Brooks wanted USBF. He was the lone voice. There was no motion or second. Commissioner Brooks made a great case for USBF. Commissioner Tobin stated that he

needs that kind of information. That is how he learns, by asking questions. Language can be added to the open debate policy that allows the Chair to limit debate when appropriate. Everyone wants to work together.

Commissioner Patton pointed out that items H-5 and H-6 are addressed in the Rule Change Log #12.

**Discussion Items**

Preliminary Draft Operation budget FY 2006

Financial Officer Martin Waits presented the draft budget.

*Rule Change Log #10*

Commissioner Patton stated that this rule has been adopted in the resolution assessment on page nine of sixteen. Adopting this rule change is a formality.

Commissioner Tobin stated that the District needs a stand-alone resolution with all of the definitions in it. The rule change form is inappropriate for a rate ordinance.

District Counsel Thomas Dillon explained that every one of the rule change forms takes into account the working draft and the definitions that are in it.

Rule Change Log #10 is to be placed on the consent agenda.

*Rule Change Log #12*

District Counsel Thomas Dillon explained that he wrote in the rule change that the Board will be guided by Robert's Rules of Order.

Commissioner Tobin said that he liked the way visiting an item twice was handled. He does not think that it is a good idea to allow one person to have the control as to whether or not the Board has preliminary debate.

Chairman Brooks said that the nice thing about Robert's Rules of Order is that it is flexible, it answers all questions that come up, and it says that you can adopt your own by-laws. Leadership does not work without people who do not want to follow. All of the Chair's decisions can be appealed by the assembly.

Commissioner Patton stated that everyone needs to be tolerant of the situation regardless who is the Chairman. Using Robert's Rules of Order as a guide is appropriate. Rule Change No. 12 is not in conflict with Robert's Rules of Order.

Commissioner Bullock in general is in concurrence with Commissioner Patton.

*CPH Collection System Work Authorization*

General Manager Charles Fishburn explained that the latest version was received Tuesday and it will be brought to the next meeting.



## **Status Reports**

### *Monthly Report & Current Progress Maps of Projects*

Ed Castle reported that weekly progress meetings of the Key Largo Park project are being held. Surveying has started. Mr. Castle stated that the current prediction on the completion date for KLP is March, 2006.

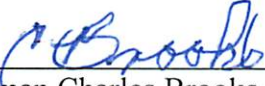
Mr. Castle reported that the Key Largo Trailer Village is almost completed.

Chairman Brooks explained that the FL State Legislature allocated \$30 million for alternate water use. If the District is going to do something the Board may have to step forward. Mr. Castle had suggested building a reserve tank and selling (or donating) the water for irrigation. The staff was directed to pursue the issue.

## **Adjournment**

The KLWTD Board adjourned after Commissioner Tobin made a motion to adjourn the meeting at 9:50 PM which was seconded by Commission Patton.

The KLWTD meeting minutes of Aug. 3, 2005 were approved on August 31, 2005.

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

  
\_\_\_\_\_  
Carol Simpkins, CMC  
Board Clerk

Exhibit "A"

OPEN DEBATE POLICY

Because Commissioners are precluded by Florida's Sunshine Law from discussions with fellow Commissioners outside of a public meeting; and because Commissioners benefit from open debate, and an exchange of ideas with fellow Commissioners; and because Commissioners sometimes require information from staff during a debate; and because the public benefits from open debate and an exchange of ideas;

Now Therefore, be it resolved:

During debate, Commissioners shall have the right to ask questions of staff and to engage in civil and courteous debate with fellow Commissioners.

Vote:

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

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

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

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

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