

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



March 1, 2006
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on March 1, 2006 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Claude Bullock, and Charles Brooks. Commissioner Andrew Tobin arrived at 5:21 PM. Also present were General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Bauman.

Approval of Agenda

Commissioner Bullock requested that item H-7 FY 2005 the Comprehensive Annual Financial Report CAFR be changed to a discussion item.

Chairman Patton added a discussion on Calusa Campground and moved it to the front of the agenda.

General Manager Charles F. Fishburn requested that the CAFR be moved up to follow the discussion on Calusa Campground. Mr. Fishburn also added a discussion on the Billing Status with FKAA.

Motion: Commissioner Bauman made a motion to approve the agenda as amended. Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin			Absent
Chairman Patton	X		

Motion passed 4 to 0

Public Comment: The following persons addressed the Commission; None.

Calusa Campground

General Manager Charles F. Fishburn reported to the Commission that he, Chairman Patton, and Staff Engineer Margaret Blank attended a meeting at Calusa Campground on Sunday February 26, 2006 at which four engineering firms presented their report to the Calusa Campground Association on redoing the wastewater collection system. The only firm that presented cost presented the price of \$11,000 per site for water, wastewater, and new paving.

Ms. Veronica Crule, Calusa Campground Property Manager, asked if there was any way that the Calusa Campground Association might be able to overcome the liability obstacle and have the District come onto their property and put in the wastewater system.

Chairman Patton explained that the only way that the District could spend grant money in Calusa Campground would be to have them convert the roads to public roads. The \$2070 per unit has already been eliminated from their cost to the District.

Ms. Crule asked why the cost is so much more for the Calusa Campground. Commissioner Brooks explained that it is because there was grant money applied to the KLTV and KLP Projects.

Mr. Fishburn pointed out that the owners in Calusa Campground will not have to pay the extra money to have their homes connected to the sewer line on the street and that cost could be anywhere from \$3,000 to \$7,000. Mr. Fishburn also stated that he does not think that the true cost of the conversion for Calusa Campground will be as high as the estimates that they currently have.

FY 2005 Comprehensive Annual Financial Report CAFR

Mr. Martin Waits, Finance Officer introduced Antonio Grau, CPA a Partner Owner of Grau & Associates, the firm which did the District's FY 2005 Comprehensive Annual Financial Report. Mr. Grau presented the CAFR.

Motion: Commissioner Brooks made a motion to accept the Draft CAFR as presented. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 5 to 0

Commissioner Items

Army Corp Status

Mr. Fishburn reported that he understands that a meeting will be held in late March.

Chairman Patton told the Board that he had contacted Shelly Miklas of U.S. Congresswoman Ileana Ros-Lehtinen's staff and they are going to set up a meeting to discuss the status of the District.

Employees Health Benefits

Mr. Fishburn explained that health insurance benefits have been approved in the Budget for FY 2005/2006.

Commissioner Bauman requested that a written policy covering health benefits be brought back to the Board.

Commissioner Tobin would like to give Mr. Fishburn the flexibility to negotiate with the employees within the budget range.

Issues

Commissioner Brooks referred to the email in the agenda package. (See Exhibit "A") Commissioner Brooks also referred to the resolution to have the Board authorize District Counsel Tom Dillon to work with Representative Sorenson on the legislation to de-designate the Florida Keys ACSC with due regard to the Key Largo Wastewater Treatment District wastewater issues discussed at the last meeting. Commissioner Brooks stated that he made the motion because he believed that Mr. Dillon was working on a request by Representative Sorensen to help him in the matter, and because it was best for all that Mr. Dillon's participation would not be taken as a single member of the KLWTD's staff acting on policy matters independently of the KLWTD Board.

Commissioner Brooks stated that he thinks that Chairman Patton has incorrectly represented to Representative Sorensen that the District officially supports de-designation. He pointed out that Chairman Patton did not inform the Board at the February 1, 2006 Board meeting that on January 30 he had sent out an email (again see Exhibit "A") asking the State for a passing report card for the District's compliance with Chapter 380.0552. Commissioner Brooks reviewed his email that explained that Chairman Patton's email reflected his views and did not speak for the Board and the KLWTD Board has not voted on the issue of de-designation. Commissioner Brooks stated that he does not think that any KLWTD official should postulate KLWTD Board support for County-wide issues that have never been brought to the Board. The KLWTD Board has one purpose and that is to sewer the Island of Key Largo.

Chairman Patton responded that as far as he was concerned the emails only stated his personal opinion; they did not in any way, shape, or form express or imply the position of the Board. Nowhere does the email say that he was speaking for the Board. As far as Chairman Patton is concerned any Board member should have wide latitude in signing their emails and identifying themselves as a Commissioner and stating their personal opinion. If he had been speaking for the Board he would have sent the email on the

KLWTD formal stationary and if a resolution had been passed he would have included it. When Chairman Patton used the word “support” in his email he felt that the task that the Board had directed Mr. Dillon to do was to support Reprehensive Sorensen’s legislation and his efforts to write that legislation. Chairman Patton said that he did not say that the District approved or endorsed the legislation, but that the District supported the legislation.

Chairman Patton explained that since the emails were sent out he now has changed his opinions in certain areas and has grave concerns about things in regard to the District’s purpose and efforts to sewer Key Largo. Chairman Patton went on to say that there are no specific rules or regulations that say that the Commissioners cannot identify themselves as Commissioners of the KLWTD. If the Board is so inclined then all of the Commissioners, including himself, should put disclaimers on the bottom of their correspondence that they are speaking only for themselves as he was only speaking for himself. Everyone has a specific style and Chairman Patton thinks that the Board should have wide latitude with each other and tolerance of individual styles.

Commissioner Bauman agreed with Commissioner Brooks, he does not think that it was appropriate of Chairman Patton to put “Chairman of KLWTD” on his emails. He believes that the email, as written, implied that Chairman Patton was communicating the official position of the District.

Commissioner Bullock agrees with Commission Brooks, he thinks that a Board Member should not send out a letter to a State Representative or Tallahassee using the Board title without Board approval.

Commission Tobin said that he does not think that Chairman Patton intentionally misled anyone. The KLWTD only speaks as a Board through an official resolution after a vote has been taken.

Chairman Patton agreed that he will put his title on his correspondence with a disclaimer, in the future, stating that he is speaking for Glenn Patton

Bulk Items

Minutes of February 15, 2006

Commissioner Brooks requested that his statement on page six of the minutes be clarified. He asked if the RFQ would be sent out to everyone. Mr. Castle explained that what he meant in his response was that anyone can send in their list of qualifications. It is advertised and published.

Motion: Commissioner Brooks made a motion to approve the Minutes of February 15, 2006 as presented. Commissioner Bullock seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 5 to 0

Financial Officer's Report*Pending Payments List*

Martin Waits, Finance Officer presented the pending payments list. Commissioner Brooks asked why the payment of \$342.28 for Mr. Fishburn's travel expenses was being presented again. The Board approved identical item previously. Commissioner Brooks also asked what period of time does the payment cover. Mr. Waits explained that the \$342.28 was left on the list in error and that the payment period for Mr. Fishburn's expense goes back to September 2005.

Motion: Commissioner Tobin made a motion to approve the Pending Payments List of March 1, 2006 contingent upon the availability of funds. Commissioner Bauman seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 5 to 0

Property and Causality Insurance

Mr. Martin Waits reported that the premium from the Florida League of Cities is \$44,000 per year.

Commissioner Tobin asked what the premium would be if the Wind Insurance was to be dropped. Staff will look into the option of not taking the Windstorm and Flood insurance.

Billing Agreement with FKAA

Mr. Martin Waits reported that he is working with the FKAA on the billing issues. There is a problem with the way the District has established the calculation process for billing. The FKAA calculates flow charges in 100 gallon increments, but the rate resolution provides for flow charges to be calculated in 1,000 gallon increments.

After the Board discussed the billing process they directed staff to give the residents a grace period and send them a letter updating them.

Legal Counsel Report

RESOLUTION NO. 10-03-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ARNOLD C OSTERMAN FOR DESIGNATION OF TWO TAX PARCELS AS PARCELS EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Brooks made a motion to approve Resolution No. 10-03-06. Commissioner Bauman seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 5 to 0

Proposed House Bill 749

District Counsel Tom Dillon stated that the District has been assured by Representative Sorensen's office that the bill will not pass.

Area of Critical State Concern De-designation

Mr. Dillon reported that he sent Representative Sorensen his suggestions to strength the Bill and has not had any response.

Commissioner Bauman told the Board that he has had several conversations with Representative Sorensen and he had asked Commissioner Bauman to let Mr. Dillon know that he was going to use several of his suggestions.

Commissioner Brooks suggested that the Board take no position on the Bill.

Chairman Patton informed the Board that the Bill had been filed on February 24 and the posted bill did not reflect any changes as of yet. Chairman Patton stated that he feels that if the Bill is passed it will open the door to litigation.

Engineer's Report

Monthly Status Report

Mr. Castle reviewed the written report presented in the agenda package. The KLTV Collection System has passed its four hour vacuum test and been certified and now Sunset Waterways and Key Largo Park will be able to connect into the collection system.

Mr. Castle reported that most of the Treatment Plant systems have been tested. There is a problem with the flow, in that, when both pumps are turned on at the same time, they cause an overflow at the headworks. Haskell is addressing this issue.

Phase I of the North Components transmission main has gone out for Bid.

Staff is planning on the start up of the system to be March 15, 2006.

Lateral Connection Status

Residents will be billed for service even if they have not connected to the system. After discussion among Board Members, Staff was directed not to report customers who have not connected to Code Enforcement without further Board review.

Adams Cut Bridge Crossing

Commissioner Bauman was excused from the meeting at 8:05 PM.

Mr. Castle reviewed the requirements for an automatically closing valve system on the wastewater force main that were presented in the agenda package. Mr. Castle does not see a need for automatic shut off valves at the bridge crossing. Mr. Castle recommends that the District put in a SCADA system at the cost of about \$10,000. This system would allow the District to monitor lift station performance and to turn off lift station pumps in the event of an emergency.

Commissioner Tobin requested that Weiler Engineering submit a letter to the District with his recommendation about bridge crossings.

Phase Two SRF Facilities Plan

Mr. Castle presented the Work Authorization No. 06-01 for Phase Two of the SRF Facilities Plan. This will cover the portion of the island south of MM 100.5.

Staff will bring back the work order on the March 15 meeting for approval.

General Manager's Report

The KLP Change Order

Charles F. Fishburn General Manager presented the change order. Mr. Fishburn explained that the District will be working with the County on their road paving schedule which will save the District money in the future. Unfortunately, that was not possible in Key Largo Park.

Motion: Commissioner Brooks made a motion to approve the Key Largo Park Change Order. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman			Absent
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 4 to 0

*Agreement with U.S. Water
Additional District Employee
Vehicle Purchase*

Motion: Commissioner Brooks made a motion to approve the Agreement with U.S. Water, the Additional District Employee, and the Vehicle Purchase. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Bauman			Absent
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Tobin	X		
Chairman Patton	X		

Motion passed 4 to 0

Mitigation Update on 1.6 Acres

Margaret Blank, Staff Engineer reported that the study to review the environmental issues concerning clearing of the additional 1.6 acres is being negotiated. The District is pursuing the Environmental Assessment that is required.

Vacuum Station Lots

By consensus the Board authorized Charles F. Fishburn, General Manager to present a contract for the lots at Sexton Cove subject to Board approval.

Commissioner's New Items and Roundtable

Nothing at this time.

Adjournment

The KLWTD Board adjourned the Board Meeting at 9:05 PM.

The KLWTD meeting minutes of March 1, 2006 were approved on June 7, 2006.

Claude M. Bullock

Chairman


Carol Walker, CMC
Board Clerk