

# MINUTES

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



September 25, 2007  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on September 25, 2007 at 4:00 PM. Present were Commissioners Susan Hammaker, Andrew Tobin, Norman Higgins, Claude Bullock, and Chairman Gary Bauman. Also present were the General Manager Charles F. Fishburn, District Clerk Carol Walker, and all other appropriate District Staff except District Counsel Thomas M. Dillon.

The Pledge of Allegiance was led by Chairman Bauman.

### APPROVAL OF AGENDA

Chairman Bauman requested that the Manager's Items be moved to the front of the agenda and that Contractor Utility Locate Claim be moved up in front of Calusa Campground. Commissioner Bullock asked that the Pending Payments be taken out of Bulk Items.

**Motion:** Commissioner Higgins made a motion to approve the Agenda with the requested changes. Motion seconded by Commissioner Bullock.

### Vote on Motion

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**Public Comment:** The following persons addressed the Commission: Charles Brooks, Key Largo, stated that he does not feel that the District should be incurring any expenses for the benefit of Islamorada. He would like to see the Islamorada issue go to a public workshop. Mr. Brooks stated that an agreement with Islamorada should not just be a Board decision but it should be voted on by the public.

Fred Nickerson, Key Largo, said that he is a property owner and he knows where all of his utilities are. He feels that it is the property owner's responsibility to know what is happening

on their property and that District should not reimburse the property owner who had to pay to have their cut line fixed.

**GENERAL MANAGER’S REPORT**

*Islamorada Inter-Local Agreement*

Commissioner Hammaker stated that there should be more meetings between Staffs before a workshop is held.

Commissioner Higgins pointed out that no money is being spent to benefit Islamorada.

Commissioner Tobin would like an Economist to visit the Board and give a presentation on the facts.

Chairman Bauman requested that the words “Inter-Local Agreement” be removed from the Staff report before it is submitted to Islamorada.

*Contractor Utility Locate Claim*

General Manager, Charles F. Fishburn, explained that the Contractor had called Sunshine and the registered utilities had marked their lines before construction. The electrical line that was cut was in the right of way and illegal.

Commissioner Higgins stated that he would like a policy set to handle potential liabilities in the right of way.

Commissioner Bullock and Commissioner Hammaker agreed that a policy is needed.

Commissioner Tobin pointed out that no one did anything wrong. The property owner did not know the line was in the right of way, and the Contractor called Sunshine. The District can not prove that the line is illegal.

**Motion: Commissioner Tobin made a motion to give authorization to the General Manager to settle the claim in a reasonable way using his best discretion. Motion seconded by Commissioner Bullock.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	X		
<b>Commissioner Hammaker</b>		X	
<b>Commissioner Higgins</b>		X	
<b>Commissioner Tobin</b>	X		
<b>Commissioner Bullock</b>	X		

**Motion passed 3 to 2**

**COMMISSIONER ITEMS**

*Key Largo Wastewater Treatment District Act*

Commissioner Bullock explained that he would like to see the Act amended to eliminate the requirement of a Monroe County Permit for work that the District is having or will be having done.

**Motion:** Commissioner Higgins made a motion to direct the District Counsel to bring back a Resolution for approval that would be submitted to Representative Saunders asking him to propose the special legislation for the exemption. Motion seconded by Commissioner Bullock.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**BULK ITEMS**

*Minutes of September 11, 2007*

*Resolution 15-09-07*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF IMRE KISS FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

*Resolution 16-09-07*

*A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT HOLEMAN FOR DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.*

**Motion:** Commissioner Higgins made a motion to approve the Bulk Items. Motion seconded by Commissioner Bullock.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

*Pending Payments List*

**Motion:** Commissioner Higgins made a motion to approve the Pending Payments List contingent upon the availability of funds. Motion seconded by Commissioner Bullock.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Report*

Ed Castle reported that Fountain Engineering has completed the collection system in Ocean Isle Estates and started work in Basin A Phase 4. Globetec is continuing work in Basin A Phase 3. Swale work will be done on September 27 at the Treatment Plant. The building still has leaks. The work on the baffles has been completed.

Later Connections

The latest connections report was presented.

**FINANCIAL REPORT**

N/A

**LEGAL REPORT**

*Calusa Campground*

District Counsel, Thomas Dillon reported that 41 property owners have agreed to pay their monthly sewer bill.

Mr. Dillon explained that the District has given the property owners until the end of September to respond before lien procedures start. He has not heard from Calusa Campgrounds' attorney.

*Administrative Fine For Non Compliance Hook Up*

Mr. Dillon explained to the Board that the District has the authority to levy fines. He also pointed out that if the District levies fines there will be appeals.

Commissioner Tobin said that there should be a surcharge for customers who do not connect up to the system in the time allotted them.

The Board directed Mr. Dillon to bring back an amendment to the rates that would reflect a surcharge for willful non connection.

*Board Compensation*

Commissioner Bullock suggested that the Commissioners be paid for meetings that they attend in place of or in addition to regular Board meetings.

Mr. Dillon told the Commissioners that they have the authority to expand the compensation coverage.

Commissioner Bullock requested that the Board recommend paying Commissioners for the missed meetings that are missed because of attendance at other meetings important to the District

The Board by consensus directed Mr. Dillon to bring back a resolution that would allow the compensation.

**COMMISSIONER'S ROUND TABLE**

N/A

**Adjournment**

The KLWTD Board adjourned the Board Meeting at 5:25 PM.

The KLWTD meeting minutes of September 25, 2007 were approved on October 9, 2007

  
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Acting Chairman Andrew Tobin

  
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Carol Walker, CMC  
District Clerk

