

MINUTES

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



May 20, 2008
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on May 20, 2008 at 4:00 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Andrew Tobin and Acting Chairman Claude Bullock. Also present the General Manager Charles F. Fishburn, District Counsel Thomas M. Dillon, District Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Higgins

Motion: Commissioner Higgins made a motion to appoint Commissioner Bullock as Acting Chairman. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 3 to 0

APPROVAL OF AGENDA

Charles F. Fishburn, General Manager, added an item concerning a MSTU under Finance. Ed Castle, Weiler Engineering, added an item under Engineer's Report, about the status of the GIS.

The amended agenda was approved by consensus.

PUBLIC COMMENTS: The following persons addressed the Commission:

D.A. Aldridge, Tavernier, stated that Commissioner Bauman should resign from the KLWTD Board since his campaign for County Commissioner is overshadowing and conflicting with his responsibilities as a Board Member. He used the District's display booth at the GLEE exhibit as a platform for his campaign. Ms. Aldridge requested that the Board pass a policy to prohibit personal political activities by any Board Member or employee of the District. Charles Brooks, Key Largo concurred with Ms. Aldridge he also stated that the agenda was not on the website for the May 20th meeting. Burke Cannon, Tavernier, also

supports Ms. Aldridge concerning Chairman Bauman. Mr. Brooks pointed out the total amount to be collected in the 2008 assessment. He suggested that Mr. Fishburn receive a 4% raise and drop the bonus.

District Counsel Thomas Dillon recommended a policy that would say that the District premises, including any District booths or rented areas are for District business only and are not to be used for individual use. He will bring back a draft policy.

COMMISSIONER’S ITEMS

Grease Trap Resolution

Commissioner Hammaker reported that Marathon has a grease trap resolution written by Ed Castle. Mr. Castle pointed out that the resolution is the one that he wrote for the District.

Staff was directed to bring back a draft letter that is to be sent to the businesses that would be affected by a grease trap resolution.

BULK ITEMS

Pending Payments for May 20, 2008

Motion: Commissioner Higgins made a motion to approve the Pending Payments being contingent upon the availability of funds. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 3 to 0

ENGINEER’S REPORT

Ed Castle, Weiler Engineering, reported that the bid for Basin B Phase 1 is under review and there were 20 bidders. The bid has come in 30% under the Engineers estimate. Negotiations are ongoing with W.F. McCain for the engineering of Basin G and H. The process tank bid for the regional plant is out.

Change Order No. 4 to Fountain Engineering

The District directed Fountain to install a buffer tank in lieu of a standard vacuum pit to serve Buzzards Roost restaurant. This was done to accommodate larger flow volumes that may occur. There was no line item cost for buffer tanks in the original Fountain scope. The proposed price of \$6000 is equal to the price bid by LaRocco on the Basin D bids.

Motion: Commissioner Higgins made a motion to approve the Change Order No. 4 to Fountain Engineering. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 3 to 0

GIS Status Update

Todd Helt, Weiler Engineering reported that the data collection for installed surface features is 100% done. Data collection by District staff will continue along with construction. Weiler Engineering will continue to load record drawings into the map and provide support to District staff as needed.

FINANCIAL REPORT*PCA Update Basin D Phase 1 and Basin D Phase 3*

Mr. Waits reported that the ACOE has been invoiced for the engineering of Basin D-3. The ACOE is being requested to approve the procurement procedure of Basin D-3. The ACOE has been advised that Monroe County concurs with KLWTD going forward with a PCA amendment to include Basin D-1.

Commissioner Tobin arrived at 5:12 PM.

MSTU Extension--

Staff presented the option of asking Monroe County to reinstate the MSTU for one year in the amount of .35 mils since it is now probable that the regional plant will not be completed in time to generate revenues to continue funding for planning, administration, and implementations of capital projects until December, 2009 at the earliest.

Staff was directed to bring back the MSTU request.

LEGAL REPORT

RESOLUTION NUMBER NO.09-05-08 A PRELIMINARY 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 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.

Motion: Commissioner Hammaker made a motion to approve the Resolution No. 09-05-08. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Procurement Policy

Mr. Dillon asked that the policy be adopted as presented.

Motion: Commissioner Tobin made a motion to approve the Procurement Policy as presented. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Mr. Dillon told the Board that he has filed a motion for summary judgment in the Calusa case and it is set for oral argument on August 6, 2008 at 9 AM.

GENERAL MANAGER'S REPORT

Basin "E & F"

Charles Fishburn reported that Eckler Engineering was selected for the design of the remainder of Basin E, all of Basin F, and the expansion at the WWTP vacuum station. Staff recommends approval of Task Order No. 2 for Eckler Engineering.

Motion: Commissioner Higgins made a motion to approve the Staff recommendation that Eckler Engineering be awarded the Engineering contract for Basins E & F as shown for \$875,800. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Deep Well Review

Mr. Fishburn reported that L.S. Sims & Associates have completed the review. Mr. Sims reviewed the written report that was submitted to the Board. David Smith, with Arcadis reported on their review of the L.S. Sims report.

Mr. Fishburn recommended that the District should engage L.S. Sims to redesign the deep wells for the Regional Wastewater Treatment Plant.

Commissioner Hammaker pointed out that there are two main issues; risk and time. She would like to have an expert, David Rhodes, come and talk to the Board.

Ed Castle said that he believes that ARCADIS was tasked with designing for 2.3 MGD and that they still owe that to the District and the District should push forward with ARCADIS who should deliver what they were contracted for.

Staff was directed to bring back the item to the next meeting.

Northern Keys Area of Reasonable Assurance Documentation

Motion: Commissioner Hammaker made a motion to approve the Northern Keys Area of Reasonable Assurance Documentation. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

General Manager's Contract Renewal

Acting Chairman Bullock agreed with the 5% salary increase and he thinks that a bonus may be in order.

Commissioner Hammaker reviewed Mr. Fishburn's performance review that he completed. She explained that she will be tying her bonus recommendation to his performance in the next year.

Commissioner Tobin would like the following added to the last sentence "provided that the Manager exhibits excellence in performing his duties with specific emphasis on saving the District money".

Commissioner Higgins explained that he did not fill out an evaluation because he does not believe in them.

Commissioner Higgins made a motion to approve the Manager's contract as written. Commissioner Tobin seconded the motion.

Acting Chairman Bullock stated that his rating of Charles Fishburn in excellent with the exception of his dealing with the public and sometimes with the employees.

Commissioner Higgins withdrew his motion. Commissioner Tobin withdrew his second.

Commissioner Tobin made a motion to add to the last sentence “provided that the Manager exhibits excellence in performing his duties with specific emphasis on saving the District money”. Motion seconded by Commissioner Higgins.

Acting Chairman Bullock asked Mr. Fishburn if he had a problem with the goals Commissioner Hammaker set for him. Mr. Fishburn explained that if the goals are used people could play games and meet the goals for the bonus. He stated that he feels that requiring excellence would be the way to judge for a bonus.

Commissioner Hammaker would like a separate vote on the pay increase and the bonus

Commissioner Tobin withdrew his motion. Commissioner Higgins withdrew his second.

Motion: Commissioner Hammaker made a motion to set the General Manager’s employment rate at a 3% increase to his current salary and a raise to \$145,000 on May 1, 2009 (approving sections 1 through 9a of presented contract). Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Motion: Commissioner Tobin made a motion to give the General Manager a bonus of \$20,000 in 2009 unless the Board determines by April 15 that the Manager has failed to exhibit excellence in performing his duties with specific emphasis on saving the District money (approving 9b and 9c of presented contract). Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 3 to 1

Commissioner Tobin left the meeting at 8:40 PM.

House Bill 1231 Update

Mr. Fishburn reported that there was a conference call with Ken Kuhl of the Governor's office to inform him of where the District stands on House Bill 1231.

Travel Expense Reimbursement

With the increase in prices of gasoline the District's current reimbursement rate of 42 cents per mile is out of date. The current "IRS" rate is 50.5 cents per mile. Mr. Fishburn's proposal is to let the District reimbursement rate "float" and match the "IRS" rate in the future.

Motion: Commissioner Higgins made a motion to approve the Travel Expense Reimbursement match to the "IRS" rate. Commissioner Hammaker seconded the motion.

Vote on Motion

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


Motion passed 3 to 0

Acting Chairman Bullock asked if the Manager had seen the letter from Iseki Mr. Fishburn stated he had. Mr. Dillon stated that because the equipment was not "construction," the District was not required to competitively procure the equipment, and determined to use the single-source method. Mr. Fishburn summarized the basis for that decision..

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 8:53 PM.

The KLWTD meeting minutes of May 20, 2008 were approved on June 3, 2008.





Carol Walker, CMC
District Clerk