

# MINUTES

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



August 5, 2008  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on August 5, 2008 at 4:03 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Andrew Tobin, and Chairman Gary Bauman. 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 Chairman Bauman.

### APPROVAL OF AGENDA

Charles Fishburn, General Manager, introduced Dan Saus in for Ed Castle of Weiler Engineering. Mr. Fishburn added an item about Representative Ron Saunders' Wastewater Summit and under Finance and article introducing the Rural Water Loan documents.

**Motion:** Commissioner Higgins made a motion to approve the agenda as amended. Commissioner Hammaker seconded the motion.

### Vote on Motion

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

**Motion passed 4 to 0**

### PUBLIC COMMENT

The following persons addressed the Commission: Robby Majeska, Key Largo, stated that he was against 28% raises and would like to see bonuses instead and he would like to see the Board take a firm stand with Calusa Campground.

### COMMISSIONER ITEMS

#### *Injection Well Update*

Commissioner Hammaker requested an update on the Well Bid.

Charles Fishburn told the Board the Bid is due on August 14, 2008.

*Citizen's Comments on SR 905 Compliance*

Commissioner Hammaker stated that Dr. Wells was concerned with what was happening. Dr. Wells was not at the meeting he was called out of town on an emergency. Charles Schaad attended the meeting for Dr. Wells.

**BULK ITEMS**

*Minutes of July 1 & July 15, 2008*

*Pending Payments*

*Assessment Appeal for ALAMAR LLC*

*Assessment Appeal for Holiday RV*

*Resolution No. 14-08-08 Wire Transfer Policy*

**Motion:** Commissioner Tobin made a motion to approve Bulk Items with the Pending Payments Contingent upon the availability of funds. Commissioner Hammaker seconded the motion.

**Vote on Motion**

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

**Motion passed 4 to 0**

*Resolution 13-05-08 Retirement Plan Conversion*

Commissioner Tobin asked Martin Waits, CFO, if the Board passed the resolution would the 3% contribution for retirement be implemented. Mr. Waits explained that it would not be automatic; it would be brought to the Board for action.

**Motion:** Commissioner Tobin made a motion to approve Resolution 13-08-08. Commissioner Tobin seconded the motion.

**Vote on Motion**

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

**Motion passed 4 to 0**

**ENGINEER'S REPORT**

*Monthly Progress Report*

Dan Saus of Weiler Engineering reported that the design of Basin C is continuing and that Basin's E and F are being surveyed. The south force-main drawings are at 60% design level. The planned bid due date for the treatment plant is mid-September.

**FINANCIAL REPORT**

*Army Corp PCA Amendment*

Mr. Waits told the Board the signing of the PCA has been moved to August 28, 2008.

**Motion:** Commissioner Higgins made a motion to authorize the Chairman to sign the Army Corp PCA Amendment Documents. Commissioner Tobin seconded the motion.

**Vote on Motion**

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

**Motion passed 4 to 0**

*FY-2008 Audit Contract*

Mr. Waits introduced the audit contract with Grau and Associates for the audit of FY 2008.

**Motion:** Commissioner Tobin made a motion to approve the Grau & Associates contract for the audit of FY 2008. Commissioner Higgins seconded the motion.

**Vote on Motion**

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

**Motion passed 4 to 0**

*Revised FY 2008 Wastewater Service Operations Budget*

Mr. Waits explained to the Board that since the issue with Calusa Campground has not been resolved and the District did not hook up as many customers on US 1 as anticipated there is a short fall in the budget. He introduced the revised FY 2008 Wastewater Service Operations Budget.

**Motion:** Commissioner Tobin made a motion to approve the revised Wastewater Service Operations Budget for FY 2008. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
<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>Absent</b>

**Motion passed 4 to 0**

*Preliminary FY 2009 Wastewater Service Operations Budget*

Mr. Waits introduce the budget.

Commissioner Tobin stated that he would like to see a line item to reduce the customers' fees.

Chairman Bauman requested that Weiler Engineering look at reserve requirements.

The Board agreed that the District's policy was that they would like to have 50% of the cost of implementing the 2010.5 unfunded mandate be covered by the State and that the District will lower customers' fees as soon as possible.

*Unresolved FY 2009 Budget Issues*

Mr. Waits asked for clarification on direction as to what to do with the following in the FY 2009 Budget:

- Total Annual Salary Budget
- Professional Services Contingency Amount
- Bank Line of Credit Amount
- District Retirement Plan Contribution.

The Board directed him to leave everything in except the Professional Services Contingency Amount; he is to remove the Professional Services Contingency Amount.

*Rural Water Loan*

Mr. Waits introduced the Board to the documentation that he will present at the next meeting for application to the Rural Water Association for a loan.

**LEGAL REPORT**

*District Counsel Contract*

The Commissioners discussed the proposed contract to be effective 10/01/08.

**Motion: Commissioner Higgins made a motion to approve District Counsel Thomas Dillon's contract. Commissioner Tobin seconded the motion.**

**Vote on Motion**

Member	Yes	No	Other
<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>Absent</b>

**Motion passed 3 to 1**

*Calusa Campground*

**The Board went into a closed session on Calusa Campground at 6:06 PM.**

**Calusa Campground Closed Session**

The Key Largo Wastewater Treatment District Board went into Attorney/Client Session to discuss Calusa Campground settlement strategy. The following persons were in attendance: Chairman Gary Bauman, Commissioners Andrew Tobin, Norman Higgins, and Susan Ford Hammaker. Also in attendance were General Manager Charles Fishburn, and District Counsel Thomas Dillon, and the court reporter. A transcript of the session will be made and sealed until the Calusa litigation is concluded.

The Commission returned from the Attorney/Client Session at 6:27 pm and reconvened the public meeting.

District Counsel stated that Calusa Campground has made an offer to settle with the District for \$108,750.63 with the base and flow charges starting in July of 2008. Please see exhibit "A".

**Motion: Commissioner Higgins made a motion to accept the settlement offer from Calusa Campground. Commissioner Bauman seconded the motion.**

**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>Absent</b>

**Motion passed 4 to 0**

**GENERAL MANAGER'S REPORT**

*CPH Work Authorization No. 7, Modification to the Southern Force-main Project Design Scope*

**Motion: Commissioner Hammaker made a motion to approve the CPH Work Authorization No. 7. Commissioner Tobin seconded the motion.**

**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>Absent</b>

**Motion passed 4 to 0**

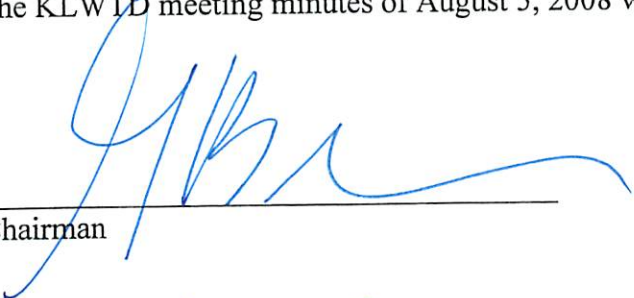
*Representative Ron Saunders' Wastewater Summit*

Mr. Fishburn will be attending the Wastewater Summit meeting in Marathon on August 13, 2008.

**ADJOURNMENT**


The KLWTD Board adjourned the Board Meeting at 6:36 PM.

The KLWTD meeting minutes of August 5, 2008 were approved on August 19, 2008.



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Chairman



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Carol Walker, CMC  
District Clerk