

MINUTES

Key Largo Wastewater Treatment District (KLWTD) Meeting



April 6, 2010
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Norman Higgins, Commissioners, Andrew Tobin, Robert Majeska, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA

General Manager, Charles Fishburn, added an item about Weiler Engineering working for Islamorada and CFO Martin Waits pulled pending payments off of the Bulk Items.

Motion: Commissioner Tobin made a motion to approve the agenda as amended without prejudice to any Commissioner who would like to amend the agenda latter. Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

PUBLIC COMMENT

The following persons addressed the Commission: Jorge Solares, Harborage, Key Largo, Mark Carpenter, Coastal Waterway Condo, requested that their neighborhoods be treated the same as Single Family Homes. Ron Sievers, Ocean Cay, stated that their residents do not want to pay over \$3,000. Claude Bullock, Key Largo, complimented the Board for the job that they have done building the District. Burke Cannon, Tavernier, expressed concern over Islamorada's lack of moving forward on the sewer issue. Christy McCollom, St. Louis, Missouri, by phone, asked

for an appeal of the assessment on her piece of property. (It will be brought to the Board on May 4, 2010).

GENERAL MANAGER'S REPORT

WWTP Plaque

Motion: Commissioner Brooks made a motion to approve the Plaque for the Regional Plant. Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

Overholt Change Order No. 8 for Vacuum Station "A".

Motion: Commissioner Tobin made a motion to approve Overholt Change Order No. 8 for Vacuum Station "A". Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

Overholt Change Order No. 9 Vacuum Station "I"

Motion: Commissioner Brooks made a motion to approve Overholt Change Order No. 9 for Vacuum Station "I". Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

EPA Numeric Nutrient Requirements

Mr. Fishburn cannot see sharing legal and or lobby fees on this issue.

COMMISSIONER'S ITEMS

Islamorada Resolution

Commissioner Tobin would like the District and Islamorada to adopt resolutions allowing negotiations.

Motion: Commissioner Tobin made a motion to support the concept of a Joint Inter-Local Agreement with Islamorada. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins		X	
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Majeska	X		

Motion passed 3 to 2

Unique Properties

It was confirmed that at a later date the Board could address the different neighborhoods.

"No Gift" Policy

Commissioner Tobin would like to have a "No Gift" Policy.

BULK ITEMS

Minutes of March 16, 2010

Assessment Appeal of Key Largo School

Resolution No. 07-04-10

Motion: Commissioner Brooks made a motion to approve the Bulk Items. Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

April 16, 2010 Pending Payments

Motion: Commissioner Brooks made a motion to approve the Pending Payments contingent upon the availability of funds. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

STATUS REPORTS

Package Plant Status Report

Greg Mathews reviewed the report.

Customer Service Status Report

Syndi Lankford presented the report.

Tie In Status Report

Carol Walker presented the report.

Weiler Memo

Ed Castle reported that they are working on a job for Islamorada.

The Board would like Weiler Engineering to keep a log and report to the General Manager and the District Council on what they are doing in writing.

Commissioner Brooks feels that there may be a conflict of interest.

OPERATORS MANAGER

Assessment Management

Motion: Commissioner Brooks made a motion to approve the purchase of an assessment management program "City Works Enterprise". Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

Operations Update

Operations Manager, Pat Mitchell reviewed the report.

IT Update

Mr. Mitchell presented a contract with TerraNova Net, Inc. to provide internet access.

Motion: Commissioner Brooks made a motion to approve the TerraNova Net, Inc. contract. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin			Abstained
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 0

IT Person

Mr. Mitchell requested that Paul Christian be hired for \$60,000 a year as the IT Person.

Commissioner Brooks made a motion to hire Mr. Christian. The motion died do to a lack of a second. It was moved to the Transition Meeting.

Operations Building Layout

Weiler was directed to review the area in front of the plant for parking and a business building being placed on the plant site.

Mobile Radios for Trucks

Mr. Mitchell is requesting radios for three trucks.

Motion: Commissioner Brooks made a motion to approve the purchase of mobile radios in the amount of \$3,884.00. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

ENGINEER'S REPORT

Status Report & Maps

Ed Castle, Weiler Engineering presented the report.

FINANCIAL REPORT

Capital Projects Status Report

Martin Waits reviewed the report.

LEGAL COUNSEL REPORT

N/A

COMMISSIONER'S ROUNDTABLE

The Board discussed going to Florida Keys Days in Tallahassee, FL on April 20, 2010. The April 20 meeting was moved to April 26, 2010.


ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:53 PM.

The KLWTD meeting minutes of April 6, 2010 were approved on April 26, 2010.



Chairman Higgins



Carol Walker, CMC
District Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Tobin Andrew M.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>KLWTD</i>	
MAILING ADDRESS <i>P.O. 620</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Tavernier</i>	COUNTY <i>Morroe</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>4/6/10</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Andrew M. Tobin, hereby disclose that on April 6,, 20 10:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Attorney for Town

Date Filed

4/6/10

Signature

Andrew M. Tobin

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.