

# MINUTES

## Key Largo Wastewater Treatment District (KLWTD) Transition Meeting



May 10, 2010  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a Transition 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, Acting District Clerk, Syndi Lankford, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Commissioner Hammaker added an item under Commissioner's Items (see Exhibit "A"). Commissioner Tobin requested that Mr. Mitchell's contract be handled before Mr. Fishburn's contract. Mr. Fishburn added a change order for CPH. Chairman Higgins put Homeowners Permits under Commissioner's Roundtable.

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

### Vote on Motion

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

**Motion passed 4 to 1**

### APPROVAL OF MINUTES

**Motion: Commissioner Brooks made a motion to approve the minutes of April 12, 2010. Commissioner Majeska seconded the motion.**

### Vote on Motion

Member	Yes	No	Other
Chairman Higgins	X		

<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**COMMISSIONER'S ITEMS**

Memo on Employment Contracts (See Exhibit "A")

The Board discussed the dismissal of Operations Manager Pat Mitchell. Concern was expressed over the Plant being under a Consent Order. Chairman Higgins and Commissioner Brooks expressed concern over the circumstances in which Mr. Mitchell's dismissal was brought to the Board.

**MOTION: Commissioner Brooks made a motion to take no action on Mr. Mitchell's termination. The motion died due to a lack of a second.**

Mr. Fishburn explained that he had not been happy with the operations of the plant ever since January. He had asked Mr. Castle (District Engineer) to request of Mr. Mitchell operation information which he did not receive. Mr. Fishburn stated: "We as a team did not know what was going on at the Plant."

Commissioner Hammaker requested that Mr. Mitchell's contract be made an action item. Chairman Higgins ruled not to grant her request.

**Motion: Commissioner Hammaker made a motion to overrule the Chairman and make Mr. Mitchell's contract an action item. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>		<b>X</b>	
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>		<b>X</b>	
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 3 to 2**

Mr. Mitchell's contract becomes an action item.

**Motion: Commissioner Hammaker made a motion to terminate Mr. Pat Mitchell, Operations Manager, effective immediately with sixty days (60) compensation plus healthcare benefits, paid through August 31, 2010. Commissioner Tobin seconded the motion.**

**Motion:** Commissioner Brooks made a motion to amend Commissioner Hammaker's motion to keep Mr. Mitchell on as Operation Technician until after the Plant initiation, acting as a training technician to the ultimate plant manager. Chairman Higgins offered to pass the gavel to Commissioner Majeska but it was refused. Motion died due to a lack of second.

**Motion:** Commissioner Majeska make an amendment to Commissioner's Hammaker's original motion that Mr. Mitchell be kept on for ninety days to help with the transition of the new Operations Manager. Commissioner Hammaker refused the amendment to her motion.

**Vote on Commissioner Hammaker's Original Motion**

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

**Motion passed 3 to 2**

**PUBLIC COMMENT:** Burke Cannon, Hammer Point, spoke about letting Mr. Mitchell go.

**MOTION:** Commissioner Brooks made a motion to table the rest of Commissioner Hammaker's memo (Margaret Blank, Construction Manager, Mr. Fishburn, General Manager's duties, and Paul Christian reporting to Mr. Waits).

**MOTION:** Commissioner Majeska made a motion to move on to the General Manager's Contract. Commissioner Brooks seconded the motion.

**Vote on Motion**

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

**Motion passed 4 to 0**

**CHANGE ORDER FOR CPH**

Mr. Fishburn stated he will bring back the item to the next meeting.

**GENERAL MANAGER'S CONTRACT**

The Board discussed going to a part time Manager after December. Commissioner Brooks did not like the idea of a part time manager.

**Motion:** Commissioner Tobin made a motion to hire Charles Fishburn as the Full Time Manager for seven months for \$11,500 a month with a sixty day termination clause and having an option after seven months to work month to month for \$5,000 a month. Commissioner Majeska seconded the motion.

**Vote on Motion**

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

**Motion passed 3 to 2**


**COMMISSIONER’S ROUNDTABLE**

Chairman Higgins asked the District Attorney, Thomas Dillon, about the requirements for pulling homeowner permits. Mr. Dillon does not give legal advice to the public.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 6:24 PM.

The KLWTD meeting minutes of May 10, 2010 were approved on June 1, 2010.

  
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 Chairman Higgins

  
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 Carol Walker, CMC  
 District Clerk

# **EXHIBIT "A"**

## **Key Largo Wastewater Treatment District Committee of the Whole Transition Meeting**

**Monday, May 10, 2010**

### **Hammaker Agenda Item for ACTION**

As of Tuesday, May 11, 2010, the following actions related to Key Largo Wastewater Treatment District will take effect:

1. Pat Mitchell, Operations Manager, is terminated, effective immediately with sixty days' (60) compensation plus healthcare benefits, paid through August 31, 2010.
2. Margaret Blank, Construction Manager, will assume responsibilities of Operations Manager with all Collection and Treatment personnel reporting to her.
3. Charles Fishburn, General Manager, will assume Margaret Blank's present construction duties, as well as all other construction responsibilities, and his present contract as General Manager shall be extended to December 31, 2010.
4. Paul Christian, Information Technology Manager, will report to Martin Waits, Customer Services and Chief Financial Officer.