

MINUTES

Key Largo Wastewater Treatment District (KLWTD) Meeting



Dec. 6, 2011

98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:01 PM. Present were Chairman Robert Majeska, Commissioners Andrew Tobin, Susie Hammaker, Norman Higgins, and Charles Brooks. Also present were the General Manager Margaret Blank, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Higgins added a discussion on Sunshine Law violations. Commissioner Tobin moved item 6, CFO Contract, to after item 8, Employment of Labor & Employment Attorney. Chairman Majeska pulled Resolution No. 19-12-11 and announced a Public Hearing for it at 5 PM. The Labor Attorney Item (No. H-8) will follow the public hearing.

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

Vote on Motion

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

Motion passed 5 to 0

PUBLIC COMMENT

The following persons address the Board:

Name:

David Asdourian, Bay Harbor Dr

Burke Cannon, Hammer Point

Subject:

District should not clean Dolphin Center and Senior Staff reporting to Board

District repaired cut in sewer pipe

Labor Lawyer good idea

CFO Contract

Sue Heim, Key Largo

Newspaper Articles and GM powers
Procedures, Lawsuit
Labor Lawyer under direction of Board
CFO Contract
Islamorada and Management Problems
CFO Contract

Fred Nickerson, Key Largo
Pauline Klien, Key Largo

BULK ITEMS

Minutes of Nov. 15, 2011
Resolution No. 20-12-11
Meeting Dates

**Motion: Commissioner Hammaker made a motion to approve Bulk Items.
Commission Tobin seconded the motion**

Vote on Motion

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

Motion passed 5 to 0

ENGINEER’S REPORT

Ed Castle, Weiler Engineering, gave a verbal report on the old package plant being sold and what the District has done to reduce the smell at the plant.

PLUBLIC HEARING:

1. RESOLUTION NO. 19-12-11
A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing opened at 5 pm

No speakers.

Public Hearing closed at 5:01 pm

Motion: Commissioner Hammaker made a motion to approve Resolution No. 19-12-11. Commission Tobin seconded the motion

Vote on Motion

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

Motion passed 5 to 0

COMMISSIONER'S ITEMS

Procedures in Hiring or Engaging Legal Counsel

Commissioner Brooks does not want to engage another legal entity without reducing the construction counsel side. He does not agree with the process that was used to hire Feldman, Fox, and Morsado, P.A. Commissioner Brooks would like a procedure for a selection process in the future.

Employment of Labor & Employment Attorney

Dale Morsado of Feldman, Fox, & Morgado, PA spoke to the Board about what he does and his background. He explained he does not charge for travel time and never will. The scope of work will be drug & alcohol policy, and any litigation with employees.

Motion: Commissioner Brooks made a motion to engage the firm of Feldman, Fox, and Morsado, P.A. as Labor Attorney for the District. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 4 to 1

The Board directed that the Labor Attorney will give the Commissioners 2 1/4 hours of discussion time for \$250 a month and anything over that will be at no charge.

FINANCE

Report of Cash, Revenues, and Expenditures

Motion: Commissioner Tobin made a motion to approve the Cash, Revenues, and Expenditures for December 6, 2011 contingent upon the availability of funds. Chairman Majeska seconded the motion

Vote on Motion

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

Motion failed 2 to 3

Motion: Commissioner Hammaker made a motion to reconsider the vote on the Cash, Revenues, and Expenditures for December 6, 2011. Commissioner Tobin seconded the motion.

Vote on Motion

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

Motion passed 3 to 2

Motion: Commissioner Tobin made a motion to approve the Cash, Revenues, and Expenditures for December 6, 2011 contingent upon the availability of funds. Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 3 to 2

COMMISSIONER'S ITEMS

CFO Contract

Motion: Commissioner Brooks made a motion to have the Labor Attorney, on behalf of the Board, send out a letter to the CFO, Sal Zappulla to clarify his action concerning resigning. Commissioner Tobin seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		

Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Hammaker	X		

Motion passed 5 to 0

Motion: Commissioner Tobin made a motion to authorize the General Manager to assume the CFO responsibilities Commissioner Hammaker seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

COMMISSIONER'S ROUND TABLE

Sunshine Law Violation

Commissioner Higgins requested that the District Counsel explain who the sunshine law applies to.

Mr. Dillon stated that it applies to an elected official, or someone polling the Board, or a committee of employees directed by the Board on a task.


ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:05 PM.

The KLWTD meeting minutes of Dec. 6, 2011 were approved on January 3, 2012.



 Chairman Majeska



 Carol Walker, CMC District Clerk

