

MINUTES
 Key Largo Wastewater Treatment District Transition (KLWTD)
 Meeting



June 18, 2013
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a Commission Meeting at 4:04 PM. Present were Chairman Majeska, Commissioners, Norman Higgins, David Asdourian, Andy Tobin, and Steve Gibbs. Also present were the General Manager Margaret Blank, General Counsel, Ray Giglio, District Clerk Carol Walker, and other appropriate District Staff.

Tyler Vandergriff (Boy Scout Troop #588) led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Asdourian pulled Resolution No. 20-06-13 from Bulk. Chairman Majeska moved Bulk Items to the end of the agenda and he also added an item on the meetings he had with Holly Raschien and the Department of Economic Opportunity.

Motion: Commissioner Gibbs made a motion to approve the agenda as amended. Commissioner Asdourian seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian	X		

Motion passed 5 to 0

PUBLIC COMMENT

Name & Address

Sue Heim, Key Largo
 John Hammerstrom, Key Largo

Nick Mulick, Key Largo
 Nicola Laak, Key Largo

Subject

Comment on Board Attitude, Resolution 19-06-13
 Grinder Pump Assessment Abandonment
 Hold Harmless Agreements
 Hold Harmless Agreements
 Hold Harmless Agreements

ENGINEER REPORT

Report from Wade Trim on Islamorada Construction

Eugene Hoffman, Wade Trim, Construction Manager gave a report on the Islamorada construction (see Exhibit “A”)

The Board discussed with Mr. Hoffman various ways to ease traffic congestion.

FINANCIAL REPORT

Pending Payments

Motion: Commissioner Higgins made a motion to approve the pending payments of June 18, 2013 contingent of the availability of funds. Commissioner Gibbs seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian	X		

Motion passed 5 to 0

COMMISSIONER’S ITEMS

Mission Statement

“The Mission of the Key Largo Wastewater Treatment District is to preserve and protect the delicate ecosystem of the Florida Keys while providing exceptional customer service.”

Motion: Commissioner Gibbs made a motion to approve the proposed Mission Statement. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian	X		

Motion passed 5 to 0

Grinder Pump Easement Abandonment

The Board discussed the pros and cons of abandoning the easements after the installation of the grinder pumps. The issue will be looked at in the future when it becomes appropriate.

LEGAL COUNSEL REPORT

Hold Harmless Agreement

The General Counsel, Ray Giglio, presented to the Board a revised version of the “hold harmless” clause contained in the District’s Unique Property Easement.

Motion: Commissioner Tobin made a motion to approve the Hold Harmless Agreement with the following wording, “Grantor releases, waives, and discharges the District from any and all damages, claims, costs, or liability for: (a) any diminution to the value of the Parcel; and/or (b) for any and all indirect, consequential, or incidental loss or damage, arising out of, or in any way related to, this Easement Grant or on account of the installation, operation, maintenance, repair, or replacement of the grinder pump system, or the failure of the grinder pump system to adequately service the Parcel. Nothing contained herein shall constitute or be construed as a waiver by the District of the sovereign immunity under s. 768.28, F.S. or an extension of the District’s liability beyond the limits established under s. 768.28, F. S.” Chairman Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins		X	
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian		X	

Motion passed 3 to 2

Pursuant to Commissioner Tobin’s motion, the clause;

“Grantor releases, waives, discharges and agrees to hold harmless, the District and its commissioners, officers, servants, agents, and employees, from any and all liability, claims, demands, actions and causes of action whatsoever, alleged or real, that may be sustained by the Grantor or by any third party, or to any property belonging to the Grantor or any third party, now or in the future, even if caused by the negligence of the district, including any diminution to the value of the Parcel arising out of this Easement Grant or on account of the utilities to be constructed thereupon.” in the District’s Unique Property Easement will be replaced with the following language:

“Grantor releases, waives, and discharges the District from any and all damages, claims, costs, or liability for: (a) any diminution to the value of the Parcel; and/or (b) for any and all indirect, consequential, or incidental loss or damage, arising out of, or in any way related to, this Easement Grant or on account of the installation, operation, maintenance, repair, or replacement of the grinder pump system, or the failure of the grinder pump system to adequately service the Parcel. Nothing contained herein shall constitute or be construed as a waiver by the District of the sovereign immunity under s. 768.28, F.S. or an extension of the District’s liability beyond the limits established under s. 768.28, F. S.

Cut Off Date for Hold Harmless Agreements

After Board discussion on setting a time limit staff was directed to bring back the item for discussion on July 9, 2013.

District Counsel Contract

The Board discussed the contract.

Motion: Commissioner Higgins made a motion to approve the District Counsel Contract with the amendment that “He will not accept outside employment without the consent of the Board.” Commissioner Asdourian seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian	X		

Motion passed 5 to 0

The District Counsel’s contract will be changed in the wording from:

“The Attorney shall not accept any other employment for compensation without the prior written consent of the District’s General Manager, which consent may be withheld if the District’s General Manager reasonably believes that such employment would negatively affect the quality of the Attorney’s services to the District,”

To the following wording:

The Attorney shall not accept any other employment for compensation without the prior written consent of the District’s Board of Commissioners,”

BULK ITEMS

Minutes of June 4, 2013

RESOLUTION NO. 19-06-13

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2009 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 21-06-13

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REMOVAL OF ONE TAX PARCEL FROM THE 2009 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE

Motion: Commissioner Gibbs made a motion to approve the Bulk Items. Commissioner Asdourian seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin	X		
Commissioner Asdourian	X		

Motion passed 5 to 0

RESOLUTION NUMBER 20-06-13

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RETIRING RESOLUTION NO. 16-10-10 REGARDING MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL AND AMENDING THE KEY LARGO WASTEWATER TREATMENT DISTRICT RULES AND REGULATIONS; AND PROVIDING AN EFFECTIVE DATE

Motion: Commissioner Gibbs made a motion to approve Resolution 20-06-13. Commissioner Asdourian seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Higgins	X		
Chairman Majeska	X		
Commissioner Gibbs	X		
Commissioner Tobin			Absent
Commissioner Asdourian	X		

Motion passed 4 to 0

GENERAL MANAGER

Legislator Meeting

Wastewater funding was discussed.

COMMISSIONER'S ROUNDTABLE

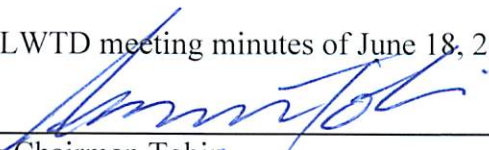
Florida Department of Economic Opportunity

Chairman Majeska reported on the meeting which was for businesses.

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:27 PM.

The KLWTD meeting minutes of June 18, 2013 were approved on July 2, 2013.



Acting Chairman Tobin



Carol Walker, CMC District Clerk