

MINUTES

Key Largo Wastewater Treatment District Commission (KLWTD) Meeting



April 1, 2014
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a Commission Meeting at 3:30 PM. Present were, Chairman Steve Gibbs, Commissioners, Andy Tobin (arrived 3:39 pm), Norman Higgins, David Asdourian, and Robby Majeska. Also present were General Manager Margaret Blank, Chief Information Officer, Paul Christian, General Counsel, Ray Giglio, District Clerk Carol Walker, and other appropriate District Staff.

Van Cadenhead led the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Gibbs added an item about giving two businesses plaques. General Counsel Ray Giglio added an item on the status of the KLWTD Local Bill.

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

Vote on Motion

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

Motion passed 4 to 0

CLOSED SESSION

Chairman Gibbs announced that the Board will now go into closed session to discuss D.N. Higgins, Inc. at 3:34 PM: and the following persons will be in attendance and no one else: General Manager Margaret Blank, General Counsel Ray Giglio, Chairman Steve Gibbs, Commissioners, Robert Majeska, Andrew Tobin, Norman Higgins, and David Asdourian, and Court Reporter Tina Roeberg.

April 1, 2014 Meeting called back in session at 4:13 PM.

PUBLIC COMMENT

Name & Address

Van Cadenhead, Islamorada

Subject

Islamorada Equity

BULK ITEMS

March 18, 2014 Minutes

Motion: Commissioner Asdourian made a motion to approve the Minutes of March 18, 2014. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

COMMISSIONER ITEMS

Florida Key Day in Tallahassee

Commissioner Majeska reported that he talked to the BOCC commissioners in Tallahassee.

Plaques

Chairman Gibbs stated that two contractors have donated their time and sources to help a low income property owner who did not qualify for a grant to connect to the sewer.

The Board directed that the Clerk order six Golden Plumber Awards and certificates.

The Board also directed staff to contact Islamorada and find out when they will be ready to connect properties in order to put an ad in the papers to let Key Largo owners know when the contractors will be working in Islamorada.

CUSTOMER SERVICE

2014 Assessment Timeline

Diane Oberheu presented the timeline.

Assessment Modification Procedures

Diane Oberheu presented how the assessment modification procedures are currently doing the modifications.

Assessment Adjustments

The following is a summary of the direction given to the General Counsel:

There is a consensus that after 3 years, a property owner (residential or commercial) would no longer be entitled to any sort of adjustment of assessment except for District errors.

We are defining an error as assessing property that should not have been assessed. That is an exclusion from this statute of limitations. (We may also want some sort of hardship exception--as per Andy)

Paul prefers the word "incorrect assessment" or "incorrectly assessed"

[We want to make it clear that we did not do anything wrong. We have just become aware of this incorrect assessment and we want to correct that situation and make them whole.]

Andy made the point that a refund (for someone who has paid in full) and a prospective adjustment (for someone who is making payments) are essentially the same thing.

That begs the question of what you do about property that is making payments when it is sold. Do we allow the new owner to assume the payments or do we require the assessment to be paid in full?

Paul suggested that with commercial properties, they would have to settle at closing. For residential they would be permitted to take over payments. Andy says he does not have a problem with letting a commercial property take over payments (as long as new owner formally assumes the unpaid balance).

So, assessment would be subject to this statute of limitations, but the monthly billing would be adjusted either because of error or change of use.

There seems to be a consensus that: on a voluntary change of use up is there going to be an additional impact fee, (if change is "significant"). On a voluntary change of use down, nothing (except monthly billing) would change.

With respect to assessment changes, Paul suggested a cut-off date: e.g. you have until a certain date to request a change. Andy suggested RWG make up a resolution to that effect.

Vacant lots and how we are going to deal with them is also a big issue.(Again if a vacant parcel is "waived" any refund due would only go to owner of record who paid the charge)

Re tier 1 vacant residential parcels: we will exempt the parcel from the assessment (remove it from tax roll)and refund the amount paid to the owner of record who paid the charge.

Paul says we need to remove assessment from billing

Impact fee should use the EDU calculation minus ????

There is also the issue of whether, if there is a refund, that refund goes to the person who paid or to the person who currently owns the property. There is a consensus that any such refund should only go to the person who paid the money, (the owner of record at the time).

Apr/01/2014 17:19

Ray should prepare a (short) resolution saying that

After a certain date they will no longer be permitted to make a change.

There is a statute of limitations and we are not going to deviate from it.

Resolution No. 10-04-14

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF GULFSTREAM SHORES ASSOCIATION PROPERTY OWNERS ASSOCIATION FOR REMOVAL OF ONE TAX PARCEL FROM THE 2013 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Asdourian made a motion to approve Resolution No. 10-04-14. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

Time Extension

Motion: Commissioner Asdourian made a motion to extend the meeting by thirty minutes. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

LEGAL REPORT

Update on Local Bill Status

Motion: Commissioner Tobin made a motion to give the General Manager the authority to advise the Legislative Staff that if someone is not comfortable with the Bill the Board has authorized her to withdraw the Bill. Commissioner Asdourian seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

General Counsel Ray Giglio requested of the Board a Closed Session on April 8 and April 15, 2014 at 3:30 PM to discuss the D. N. Higgins, Inc court case. They granted his request.

GENERAL MANAGER’S REPORT

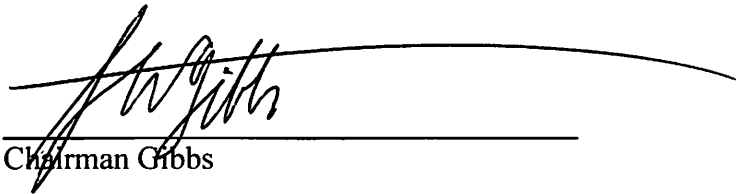
Trip to Washington DC Report Update

Ms. Blank reported that it went well with the Army Corp they are happy with the KLWTD project.

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 6:18 PM.

The KLWTD meeting minutes of April 1, 2014 were approved on April 8, 2014.



Chairman Gibbs



Carol Walker, CMC District Clerk