



## MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on August 4, 2015. Present were Chairman David Asdourian, Commissioners Stephen Gibbs, Norman Higgins, and Andrew Tobin. Commissioner Robert Majeska attended via teleconference. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Operations Manager Daniel Saus, Ed Castle with Weiler Engineering, acting District Clerk Katherine Jackson, and other appropriate District Staff.

Commissioner Steve Gibbs led the pledge of allegiance.

### AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- General Manager Paul Christian added an updated change order for Dave Boerner Architect, P.A.
- Mr. Christian added a plan for the Operations Manager search.
- Mr. Christian added a verbal update of plant security.

### APPROVAL OF AGENDA

**Motion:** Commissioner Gibbs made a motion to approve the agenda as amended, and Commissioner Higgins seconded the motion. The motion passed without objection.

### PUBLIC COMMENT

<i>Name and Address</i>	<i>Subject</i>
Phil Burkard 800 Morris Ave	District's Sewering Plan for Manatee Bay
Sue Heim Key Largo	Proposed Changes to Deferred Compensation Retirement Plan
Ken Larrivee Patriot Property Services	Ken Larrivee – Lake Surprise II/ Paradise Point

Mr. Burkard expressed his concerns about the Manatee Bay sewerage project; and he asked the Board to provide feedback on the District's intended course of action. General Manager Paul Christian updated the Board on the difficulties associated with acquiring property for a wastewater treatment facility at that location and reviewed the terms of Draft Resolution No. 19-07-05, which outlined the conditions under which the District would give further consideration to

extending its wastewater service area to include Monroe Park and the Manatee Bay Club. Chairman Asdourian informed Mr. Burkard that the project is currently on hold.

## **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

*Minutes of July 21, 2015*

**Motion:** Commissioner Higgins made a motion to approve the Minutes of July 21, 2015, and Commissioner Majeska seconded the motion. The motion passed without objection.

## **OPERATIONS REPORT**

*Review of Water Reuse Requirements*

Mr. Daniel Saus presented to the Board a memo outlining water reuse requirements.

Commissioner Gibbs expressed his view that there is a growing need for water reuse and that eventually it will be necessary to recycle—especially during droughts. Commissioner Majeska suggested that it would be more prudent for the District to hold off on reuse until large-volume customers have expressed an interest in purchasing reuse water.

Mr. Saus and Mr. Castle answered questions from the Board.

## **CONSTRUCTION REPORT**

*Construction Progress Report*

Mr. Daniel Saus gave an update to the Board on the current status of current construction projects at the District and answered questions from the Board.

*Change Order No. 5 – Wharton-Smith for Biosolids Digester Project*

Mr. Daniel Saus presented Change Order No. 5 to the Board. He explained that, due to the drought, the Aqueduct Authority has lowered the water pressure and that the pump is needed to raise that pressure so that the system will function without problems. Mr. Saus also stated that the change order covered both the purchase and the installation of the equipment, and he answered questions from the Board.

**Motion:** Commissioner Gibbs made a motion to approve Change Order No. 5 – Wharton-Smith for Biosolids Digester Project. Commissioner Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>	<b>X</b>		

**Motion passed 5 to 0**

**ADMIN / CUSTOMER SERVICE REPORT**

*Administration Building Progression Timeline*

Mr. Rob Bulkiewicz reported that Phase 2 of the Administration Building renovation project — column removal—is nearing completion. He informed the Board that the Phase 3 – Remodel – bid documents should be ready by Friday of this week, and answered additional questions from the Board.

**BUDGET AND FINANCE REPORT**

*FY 2015 3<sup>rd</sup> Quarter Financial Report*

Mrs. Connie Fazio presented the 3<sup>rd</sup> Quarter Financial Report, and Mr. Fazio addressed questions from the Board.

*Proposed Changes to Deferred Compensation Retirement Plan*

Ms. Sue Heim made a public comment regarding her feelings on the District spending more of ratepayer’s money on employee retirement. Ms. Heim also shared her opinion on the budget formulation Mrs. Connie Fazio used.

Mr. Paul Christian stated that this recommendation was brought before the Board because some of the Commissioners wanted to explore the retirement options for the District, and that raising the District match under the 457(b) plan from 3% to 6% was the most cost effective option.

Mrs. Fazio presented the plan and numbers to the Board, and answered questions.

**GENERAL MANAGER’S REPORT**

*The Florida Keys Environmental Stewardship Act 2016*

Mr. Paul Christian informed the Board of the County’s intent to re-introduce a bill drafted last year that would bring \$500M to the Keys for various environmental projects (including wastewater). Mr. Christian reminded the Board of a meeting with Representative Holly Raschein on Wednesday, August 5, 2015 at the Marathon Government Center.

Commissioner Gibbs stated that he was planning on going to the meeting hosted by Representative Raschein. Mr. Christian informed the Board that if any of the other Commissioners would like to go, the meeting has been advertised in advance as an open meeting under the Sunshine Law.

Mr. Christian answered questions from the Board.

*Updated Change Order for Dave Boerner Architect, P.A.*

Mr. Paul Christian presented to the Board the updated architect change order, and informed the Board that Architect Dave Boerner was available to answer questions.

Mr. Boerner presented his updated change order to the Board and answered questions.

Mr. Christian advised the Board that if more work is assigned to Mr. Boerner, the District will see additional invoices.

**Motion: Commissioner Higgins made a motion to approve the Updated Change Order for Dave Boerner Architect, P.A. Commissioner Tobin seconded the motion.**

**Vote on Motion**

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

**Motion passed 5 to 0**

**LEGAL REPORT**

*Public Hearing to Consider a Resolution to Amend Section 10.09, 10.13, and Article XIII of the KLWTD Rules and Regulations – 5:00 PM*

**Public Meeting Closed: 5:00 PM**

Chairman Asdourian closed the regular meeting and opened the Public Hearing to Consider a Resolution to Amend Section 10.09, 10.13, and Article XIII of the KLWTD Rules and Regulations. There were no public comments made regarding the changes to the Rules and Regulations. Chairman Asdourian closed the Public Hearing and reopened the regular meeting.

**Regular Meeting Reconvened: 5:01 PM**

**Motion: Commissioner Higgins made a motion to accept the Resolution to Amend Section 10.09, 10.13, and Article XIII of the KLWTD Rules and Regulations. Commissioner Majeska seconded the motion.**

### Vote on Motion

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

**Motion passed 5 to 0**

*Public Hearing to Consider the KLWTD 2015 Assessment Resolution – 5:00 PM*

**Public Meeting Closed: 5:02 PM**

Chairman Asdourian closed the regular meeting and opened the Public Hearing to Consider adoption of the KLWTD 2015 Assessment Resolution. There were no public comments made regarding the proposed resolution. Chairman Asdourian closed the Public Hearing and reopened the regular meeting.

**Regular Meeting Reconvened: 5:04 PM**

**Motion: Commissioner Gibbs made a motion to accept and adopt the KLWTD 2015 Assessment Resolution. Commissioner Higgins seconded the motion.**

### Vote on Motion

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

**Motion passed 5 to 0**

### GENERAL MANAGER'S REPORT

#### *Plan for Operations Manager Search*

Mr. Paul Christian presented a plan for the new Operations Manager search. Mr. Christian informed the Board that he, Mr. Daniel Saus, Mr. Ed Castle, and Ms. Kim Carpenter will all be involved in the search for potential candidates.

Commissioner Tobin expressed his concern that the position might not garner enough attention to bring in a well-qualified candidate. Commissioner Tobin also stated that he would like to see

notes from the preliminary interviews that take place, and would even like to meet the candidates.

Ray Giglio advised the Board that if it decides to take an active role in the selection process, and especially if the Board makes the final decision on whom to hire, that the whole selection process—including the meetings of the selection committee—would have to be conducted in accordance with the open meetings provisions of Florida's Government in the Sunshine Law, s. 286.011, F.S.

Commissioner Gibbs expressed his view that the search committee should deal with the preliminary candidates, and that the Board should only meet the most qualified applicants.

Commissioner Majeska expressed his opinion that the Board should be active in the decision making procedure and should follow the process used in hiring District Counsel Ray Giglio.

Chairman Asdourian expressed his concern about the Board putting too much pressure on the search committee to meet the new candidates.

Mr. Castle suggested that the District needs to focus on finding qualified candidates for the Operations Manager Position first, and that the search committee can figure out the rest of the details after that.

Mr. Christian answered questions from the Board.

#### *Plant Security*

Mr. Paul Christian gave a brief oral update on plant security. He advised the Board that that the recently-issued ID badges now control gate access and that the security guard is now on duty only 12 hours per day – from 6 AM to 6 PM.

Mr. Christian answered questions from the Board.

### **COMMISSIONER'S ROUNDTABLE**

#### *Ken Larrivee – Lake Surprise II/Paradise Point*

Mr. Ken Larrivee made a public comment regarding the failed gate footer at Lake Surprise II/Paradise Point. Mr. Larrivee stated that the gate had been repaired on two separate occasions by Redland Construction, that the gate failed both times, and that that he feels KLWTD has an obligation to correct this situation.

Mr. Ray Giglio outlined the “Doctrine of Latches” and indicated that he needed to conduct research and to review the case in order to make a well-informed legal decision.

Commissioner Gibbs requested Mr. Larrivee forward all documentation over which he has control to Mr. Giglio for review.

The Board decided to postpone any decisions on this item pending review of the documentation from Mr. Larrivee.

Staff and Mr. Larrivee answered questions from the Board.

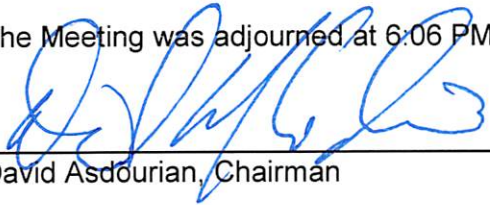
Mr. Giglio will bring this item back at a future meeting.

**EXTENSION: 6:00PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes and Commissioner Higgins seconded the motion. The motion passed without objection.**

**ADJOURNMENT**

The Meeting was adjourned at 6:06 PM.



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David Asdourian, Chairman



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Katherine Jackson, Clerk