



MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on September 8, 2015. Present were Chairman David Asdourian, Commissioner Andrew Tobin, Commissioner Robert Majeska, and Commissioner Norman Higgins. Commissioner Stephen Gibbs attended via teleconference. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, acting District Clerk Katherine Jackson, and other appropriate District Staff.

Ms. Sue Heim led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Chairman Asdourian added an item to Commissioner's Roundtable to discuss exhibits added to the Minutes
- Commissioner Tobin added an item to Commissioner's Roundtable to discuss the format of the Agenda
- Commissioner Gibbs added an item to Operations Report to discuss the flow and salinity from Islamorada over Labor Day Weekend.
- Ray Giglio added multiple items to Legal Report: a verbal update on the status of the Paradise Point failed gate footer, Article 75 Validation Proceedings for the Inter-Local Agreement between the District and Monroe County, and an Amendment to the DEP Agreement # LP44062 in reference to the Mayfield Grant

APPROVAL OF AGENDA

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

PUBLIC COMMENT

<i>Name and Address</i>	<i>Subject</i>
Sue Heim Key Largo	General comments on KLWTD
Sue Heim Key Largo	September 1, 2015 Minutes

Sue Heim
Key Largo

Administrative Appeals Procedure Resolution

Sue Heim
Key Largo

Motion to Reconsider Resolution Approving Costs for Public
Records Requests

Ms. Sue Heim expressed her opinion regarding security at the District's Administrative Office.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Exhibits Added to the Minutes

Chairman Asdourian shared his opinion that any written public comments should be included into that meeting's minutes. Mr. Ray Giglio stated that it is up to the Board to approve written comments to be attached to the minutes. Commissioner Tobin expressed his preference that all documents handed to the Board should be automatically attached to the minutes, and a final decision should be made on the procedure.

Motion: Commissioner Tobin made a motion that any documents presented to the Board during Public Comment by a member of the public be automatically included and attached to the minutes unless the Chairman rules that they are too voluminous or contain inappropriate language. 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

Minutes of September 1, 2015

Public Comment: Ms. Sue Heim commented on her opposition to the approval of the Minutes from September 1, 2015.

Chairman Asdourian stated that he would like Ms. Sue Heim's written public comments included in the September 1, 2015 Minutes as an attachment.

Motion: Commissioner Higgins made a motion to approve the Minutes of September 1, 2015 as amended, and 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

OPERATIONS REPORT

Flow and Salinity from Islamorada over Labor Day Weekend

Mr. Paul Christian stated that he did not have the current flow and salinity numbers for Islamorada over Labor Day weekend immediately available at the meeting. Mr. Christian did note that Islamorada did not have salinity surcharges on the previous month's billing, and stated that Islamorada's salinity has been below 4 for at least 40 days.

ADMIN/CUSTOMER SERVICE REPORT

Administration Building Progression Timeline

Mr. Rob Bulkiewicz reported that Phase II of the Administration Building Remodel project is still underway and that there is no apparent interference with Phase III starting on time.

Mr. Bulkiewicz also gave an update on the mandatory pre-bid meeting noting that 9 general contractors and several subcontractors were present.

Mr. Bulkiewicz reminded the Board that the submission period for the Phase III proposals ends on September 24, 2015 and that staff intends to present their recommendations to the Board at the October 6, 2015 Board meeting. Mr. Bulkiewicz answered questions from the Board.

Code Compliance – September 2015

Mr. Rob Bulkiewicz presented the list of parcels to be sent to code compliance in September 2015.

Commissioner Majeska expressed his concern about sending one of the five parcels to code compliance. Commissioner Majeska stated that he spoke with the owners of Upper Keys Marine Contractors over the phone and they indicated that they had their permit ready to be filled out. Commissioner Majeska stated that he had urged Upper Keys Marine Contractors to call staff to inform the District of their current situation. The Board discussed delaying the referral of this particular parcel to Code Compliance for a week to give the District's Customer Service Coordinator an opportunity reach out to the parcel owners to make certain that they were aware of their obligation to connect and to ascertain whether there were any extenuating circumstances preventing them from connecting.

Mr. Paul Christian stated that the code compliance list is presented to the Board for information and as a final effort to alert the owners of these parcels to contact the District regarding the status of their connection process to the District's central sewer system. Chairman Asdourian stated that all parcels on the code compliance list for September 2015 have had a long time to hookup and that removing certain parcels from the list could be considered favoritism.

Mr. Christian and Mr. Bulkiewicz answered questions from the Board.

Motion: Commissioner Tobin made a motion to not turn Upper Keys Marine Contractors over to code compliance until the next meeting. 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 3 to 2

2015 Non-Ad Valorem Assessment Update

Ms. Diane Bockelman, Billing and Assessment Coordinator, presented the assessments for the 2015 tax roll. Ms. Bockelman stated that she has been working closely with Mr.

Paul Christian and Government Services Group to finalize and submit the tax roll to the Monroe County tax collector, and answered questions from the Board.

LEGAL REPORT

Resolution Denying the Appeal of Geoffrey Bailey

Mr. Ray Giglio introduced a resolution that adopts the Geoffrey Bailey Customer Service Appeal findings of staff and answered questions from the Board.

Commissioner Tobin suggested that the resolution include a Section 6 with a right to appeal this decision within 30 days to a court, and the dates on page 2 changed from 3013 to 2015.

Motion: Commissioner Tobin made a motion to approve the form of the Resolution Denying the Appeal of Geoffrey Bailey as amended. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Commissioner Gibbs left the meeting at 5:29 PM

Administrative Appeals Procedure Resolution

Public Comment: Ms. Sue Heim stated her concerns regarding the time frame specified in the Administrative Appeals Procedure Resolution.

Mr. Ray Giglio presented the Administrative Appeals Procedure Resolution to the Board as a way to formalize the current policy and answered questions from the Board.

Commissioner Tobin stated he would like the resolution to reflect that the customer is encouraged to go through with an informal appeal with staff before coming to the Board and wording to include a General Manager decision that is sent to the Clerk for submission to the Board and permanent recordkeeping.

The Board has requested this item be brought back at a future date.

Article 75 Validation Proceedings

Mr. Ray Giglio gave an oral update on the status of the Article 75 validation proceeding for the Inter-Local Agreement with Monroe County regarding an exchange of Mayfield Grant allocations for Infrastructure Sales Tax. Mr. Giglio stated that the attorneys at Nabors, Giblin & Nickerson, P.A., sent the complaint, and that he and Cynthia Hall, the Assistant County Attorney for Monroe County have reviewed the complaint and made amendments. Mr. Giglio answered questions from the Board.

FDEP Amendment in reference to the Mayfield Grant

Mr. Ray Giglio gave an oral update on an amendment to the DEP Agreement # LP44062 regarding year 2 of 4 Mayfield Grant proceeds in the amount of \$17 million. The amendment nullifies the agreement, allowing DEP to redirect \$17 million according to the terms of the Inter-Local Agreement with Monroe County. This amendment was required by the state to finalize the grants needed for all Mayfield money within the county, and was therefore appropriate and necessary.

Paradise Point Failed Gate Footer

Mr. Ray Giglio gave an oral update on the status of the Paradise Point failed gate footer. Mr. Giglio stated that this matter has been referred to Mr. Samuel A. Persaud, Esq. of Persaud Law Group, and that he will continue to update the Board as deemed appropriate.

COMMISSIONER'S ITEMS/ROUNDTABLE

Motion to Reconsider Resolution Approving Costs for Public Records Requests

Public Comment: Ms. Sue Heim expressed her opinion on various issues within the resolution.

Several of the Commissioners noted issues they had with previously passed Resolution # 18-08-15, including concerns over fee charges and the waiver of fees by the General Manager.

Mr. Ray Giglio stated that this information from the resolution all comes directly from Florida Statutes 119.07 "inspection and copying of records; photographic public records; fees; exemptions."

A conversation was then had by the Board regarding the need for this resolution.

Motion: Commissioner Tobin made a motion to rescind Resolution 18-08-15. Chairman Asdourian seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Agenda Format

Commissioner Tobin suggested Commissioner's Items and Roundtable be separated on the agenda. Commissioner Tobin also suggested a new order for items to be presented on the agenda. The Board discussed and directed staff to split Commissioner's Items and Roundtable Discussion and move Commissioner's Items and General Manager's Items above Legal Report.

Roundtable Discussion


Commissioner Tobin started a discussion regarding code enforcement. Commissioner Tobin feels that since the code enforcement list is on the agenda, the process should be more formalized, as it is with Monroe County. Chairman Asdourian stated his opinion that if anyone on the Board feels the need, they can call the parcel owners on the code compliance list and ask them to call Customer Service to make arraignments.

ADJOURNMENT

The Meeting was adjourned at 5:54 PM.



David Asdourian, Chairman



Katherine Jackson, Clerk

Attachment A

KLWTD Board Meeting 9/8/15 – Agenda Item F

Sue Heim

Please do not approve this item without the inclusion of my 9/1/15 written comments submitted to the Clerk at the time of reading.

The policy of this District – established long before my attendance in 2006 has always been that written comments submitted to the Clerk when read be included in the minutes of the meeting in which read.

For some staff person to now decide that written comments will no longer be included as exhibits in the minutes is an over-reach by staff., Until the Board pronounces that written comments will not be included in the minutes, then the current long standing policy/procedure needs to be maintained.

My comments not being included in the minutes is disrespectful to me personally and the District.

And to respond to staff request for a copy of what is about to be read, that is unheard of. I speak at many Board meetings, and present copies of many written remarks, to be made part of the meeting's official records. Never have I or any other speakers provided copies to staff. Only the Board and Clerk get copies. Because we are not speaking to the staff. We are speaking to the Board. Never before KLWTD GM on 9/1/15 have I heard a staff person ask for copy of the written comments. Staff does not need a written copy of the speaker's comments.

And I hope that if this current staff should ask the Board to ask the speaker to provide copy to staff, that the Board respond no, because the speaker is providing copies to the parties being addressed.

Attachment B

KLWTD Board Meeting 9/8/15 – Agenda Item M-1

Sue Heim

Technical issues -

This agenda item is defined as Resolution 25-09-15, a new resolution with new number.

What is the current status of Resolution 18-08-15, which was approved at the 9/1/15 meeting? Unless the Board revokes 18-08-15

If Res 25-09-15 is approved, there will be 2 resolutions in place, giving staff the option to use the one they want.

If the Board's intention is to replace the 18-08-15 Res with 25-09-15, then Res 25-09-15 is a new resolution and does not need strike out/underline format, since 25-09-15 has no predecessor. Also, on the 5th Whereas – delete the “or” because there is no following item.

If the Board's intention is to amend Res18-08-15, then Res 25-09-15 needs a Whereas to reference the previous resolution.

Section 2 – A – is a chart for fees for only COPYING charges. Therefore, the 5th box down is inappropriate since it does not apply to copying. Instead that 5th box belongs in paragraph B.

Section F prevents the Board from any decision-making by the including words “sole judgement”. That means that if the GM is not available, the decision can not be made. Or if the GM chooses to discriminate for personal reasons, the person has no recourse. Add the words “Board or” before the word “General”.

I ask again into what fund will these fees be deposited and reconciled? Since the Resolution is silent on this, there is no accountability for those funds.