



MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:04 PM on July 19, 2016. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Robert Majeska and Stephen Gibbs. Commissioner Norman Higgins was absent. Also present were General Manager Paul Christian, General Counsel Ray Giglio, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Commissioner Marilyn Beyer, Key Largo Fire Rescue & EMS District, led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Majeska added a letter from the Building Department under General Manager's Report.
- Chairman Asdourian moved item J-4 after the Approval of Minutes of Previous Meetings.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

<i>Name and Address</i>	<i>Subject</i>
Marilyn Beyer Key Largo	Billing EDU Reduction – KL Volunteer Ambulance and Fire Departments
Sue Heim Key Largo	Billing EDU Reduction – Previously Cat. 3 Bar and Grill - AK#1621854
Sue Heim Key Largo	Resolution Adopting Procurement Policy

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Minutes of July 5, 2016

Motion: Commissioner Gibbs made a motion to approve the Minutes of July 5, 2016, and Commissioner Majeska seconded the motion. Commissioner Tobin abstained. The motion passed without objection.

Minutes of July 12, 2016

Motion: Commissioner Gibbs made a motion to approve the Minutes of July 12, 2016, and Commissioner Majeska seconded the motion. Commissioner Tobin abstained. The motion passed without objection.

ADMIN / CUSTOMER SERVICE REPORT

Billing EDU Reduction – KL Volunteer Ambulance and Fire Departments

Public Comment: Commissioner Marilyn Beyer, Key Largo Fire Rescue & EMS District, thanked the District for conducting a review of KLF&EMS's water usage and for the District's consideration in granting KLF&EMS a reduction in its EDU assignment for billing purposes.

Mr. Rob Bulkiewicz presented the billing EDU reduction and staff answered questions from the Board.

Motion: Commissioner Tobin made a motion to approve the Billing EDU Reduction – KL Volunteer Ambulance and Fire Departments and Commissioner Gibbs seconded the motion.

Vote on Motion

Commissioner Tobin –	Aye
Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Higgins –	Absent
Chairman Asdourian –	Aye
Motion Passed: 4 to 0	

OPERATIONS REPORT

Monthly Operations Report

Mr. Ed Castle presented the monthly operations report. Board members made suggestions for the next report. Staff answered additional questions from the Board.

Aqua-Aerobic Systems, Inc. Change Order No. 3 for SCADA Upgrade Project

Mr. Rob Bulkiewicz and Mr. Paul Christian presented the Aqua-Aerobics, Inc. change order No. 3 for the SCADA Upgrade Project, and informed the Board that this change order was for the addition of IntelliPro software.

Commissioner Tobin requested that staff schedule an Aqua-Aerobics presentation at a future meeting. Staff answered questions from the Board.

Motion: **Commissioner Gibbs made a motion to approve Aqua-Aerobics, Inc. Change Order No. 3 for SCADA Upgrade Project and Commissioner Tobin seconded the motion.**

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Tobin –	Aye
Commissioner Majeska –	Aye
Commissioner Higgins –	Absent
Chairman Asdourian –	Aye

Motion Passed: 4 to 0

ADMIN / CUSTOMER SERVICE REPORT

Summer Intern Presentation

KLWTD interns for Summer of 2016, Mr. Francisco Moc and Ms. Hannah Vinney gave a presentation of what they learned while interning at the District and answered questions from the Board.

Code Compliance List – July 2016

Mr. Rob Bulkiewicz presented the July 2016 code compliance list and answered questions from the Board.

Letter From Building Department

Mr. Paul Christian introduced a letter from the Monroe County Building Department, announcing that it will now require payment for sewer hookup permits at time of issuance instead of at time of application. Mr. Christian answered questions from the Board.

Billing EDU Reduction – Previously Cat. 3 Bar and Grill – AK#1621854

Public Comment: Ms. Sue Heim expressed her concerns regarding the District's current *Request for Review* form.

Mr. Rob Bulkiewicz advised the Board that this property, which had previously been leased to Category 3 Bar and Grill, will now be used as a retail store; and that Staff has recommended a billing EDU reduction from 7.0 EDU's to 1.7 EDU's. Staff answered questions from the Board.

Commissioner Tobin suggested updating the forms that the District uses to better indicate that the EDU reduction is for billing only, and that KLWTD will review water consumption annually for two years to confirm that the proper EDU assignment has been made.

Motion: Commissioner Tobin made a motion to approve the Billing EDU Reduction – Previously Cat. 3 Bar and Grill AK#1621854 and Commissioner Gibbs seconded the motion.

Vote on Motion

Commissioner Tobin –	Aye
Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Higgins –	Absent
Chairman Asdourian –	Aye

Motion Passed: 4 to 0

COMMISSIONER’S ITEMS

Preparation of Preliminary “Action” Minutes (Commissioner Tobin)

Commissioner Tobin led a discussion regarding the advisability of having the clerk prepare preliminary minutes that would be sent out a day or two following a Board meeting, and he asked the Board to think about this item for a future discussion.

Resolution Calling for Federal or State Government to Purchase the U.S. Sugar Corporation Owned Land for Water Storage as Part of the Comprehensive Everglades Restoration Plan (Commissioner Gibbs)

Commissioner Gibbs led a discussion about a recent article in the Free Press regarding land purchases under the Comprehensive Everglades Restoration Plan.

LEGAL REPORT

Resolution Adopting Procurement Policy

Public Comment: Ms. Sue Heim read a letter to the Board, which is attached to these minutes as “Attachment A.”

General Counsel Ray Giglio presented Draft Resolution No. 08-07-16 for the *Nunc Pro Tunc* adoption of the May 20, 2008 version of the procurement policy. Commission Tobin presented three revision suggestions for future consideration that are attached to these minutes as “Attachment B.”

Commissioner Tobin requested this item be brought back at a future meeting and staff answered questions from the Board.

Motion: Commissioner Majeska made a motion to approve the Resolution Adopting Procurement Policy Draft Resolution No. 08-07-16 and Commissioner Gibbs seconded the motion.

Vote on Motion

Commissioner Majeska –	Aye
Commissioner Gibbs –	Aye
Commissioner Tobin –	Aye
Commissioner Higgins –	Absent
Chairman Asdourian –	Aye

Motion Passed: 4 to 0

BUDGET AND FINANCE REPORT

3rd Quarter Fiscal Year 2016 Financial Reports

Ms. Connie Fazio presented the 3rd quarter fiscal year 2016 financial reports and answered questions from the Board.

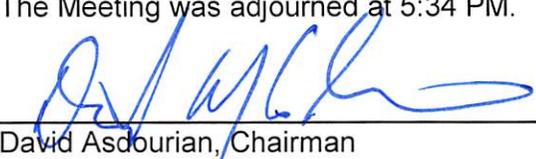
ROUNDTABLE DISCUSSION

Mr. Paul Christian advised the Board that Commissioner Higgins had attempted to call into the meeting and to participate telephonically; but because the District was having technical difficulties with the conference phone, Commissioner Higgins had been unable to do so. Mr. Christian requested that the Board give staff direction regarding his pay for the meeting. The Board directed staff to pay Commissioner Higgins for the Board meeting.

Commissioner Tobin read an excerpt from a 2005 e-mail that he authored regarding Board Practices and Policies.

ADJOURNMENT

The Meeting was adjourned at 5:34 PM.



David Asdourian, Chairman



Katherine Jackson, Clerk

Public Comments

Disclaimer: Public comments that are submitted to the Board for inclusion into the Official Minutes are the views and opinions of the commenters alone and do not necessarily reflect the official policy of the Key Largo Wastewater Treatment District or the opinions of its Commissioners.

Listed below are several other KLWTD legal documents containing still viable Procurement policies. I am not against revising any Procurement policy. But first more research is needed to ensure other already standing documents are not in conflict. If you do pass Res 08-07-16 (RATIFYING AND ADOPTING A PROCUREMENT POLICY NUNC PRO TUNC, EFFECTIVE MAY 20, 2008) today, please also request review of previous Minutes/Resolutions Procurement procedures, culled for all other Procurement procedures therein. Once collected, then integrate into a final version of Procurement policy, or delete as obsolete.

I know from the many Procurement discussions staff is not currently 100% following exactly any previously approved Procurement policy. Instead a chart was created as the current how it's done. The chart may be helpful as a guide, but should not be used as the basis for, or included as a document, revising any resolution.

Finally, in Res 08-07-16, no history of Attachment A reflects specific changes from the original Procurement policy. This may be too technical, this rush to approve does not seem appropriate without additional review.

Minutes – 5/6/08 – Legal -- **Please Note – no mention of completely revising the entire Procurement Policy.**

Procurement Policy

Mr. Dillon explained that the changes (1) reflect competitive procurement requirements of § 255.20, (2) add provisions regarding acceptance of gifts and meals (3) clarifications re minor informalities and bid evaluation.

Minutes – 5/20/08 – Legal -- **Please Note – no copy any document in Minutes 5/20/08.**

Procurement Policy

Mr. Dillon asked that the policy be adopted as presented.

Motion: Commissioner Tobin made a motion to approve the Procurement Policy as presented. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Chairman Bauman			Absent
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

Motion passed 4 to 0

Resolution 5-09-04 – Section 2 --

(E) The General Manager is authorized to spend funds not in the Budgets in the event of an emergency related to the KLWTD Utility System which is reasonably believed may result in danger or injury to persons, damage to assets of the District, or the material loss of the district to provide wastewater services. As soon as possible thereafter the General Manager or Finance Officer shall report to the Chairman any such actions taken or to be taken in such circumstances. However, such communication shall occur no later than 24 hours after such actions or events.

(G) Pursuant to Resolution 2003-18, any disbursement in excess of \$2,500, other than emergency contracts as provided in Sections 2(E) of this Resolution, must be approved by the Board prior to entering into such a contract.

(H) Pursuant to Resolution 2003-18, any work order equal to or in excess of \$2,500 for a professional services contract preciously approved by the Board, must be approved by the Board prior to accepting such a work order. Those work orders less than \$2,500 for such contracts do not require prior Board approval but will be presented to the Board for ratification.

thereby, the District may award or cause to be awarded contracts for the construction of any project, including design-build contracts, or any part thereof, or for any other purpose of the District upon a negotiated basis as determined by the District. The authority to make this determination may not be delegated.. If a procurement method other than competitive proposals or bidding is desired, District staff shall prepare a written justification for use of that procurement method for approval by the General Manager or the District Board, as appropriate. Single source procurements and architectural, engineering and land survey contracts may not be made under this section.

2-205.02 Public notice. The District may advertise its intent to make a limited competition procurement for the purpose of determining available and interested procurement sources.

2-206 Small Purchases

2-206.01 Definition. Small purchases are supplies, services, construction, and professional services with an estimated dollar value of \$50,000 or less.

2-206.02 Procedures for small purchases up to \$10,000.

(1) the General Manager shall adopt written procedures and guidelines to (a) ensure fairness to potential offerors and (b) facilitate auditing.

(2) "reasonable and adequate procedures" means procedures that ensure fairness to potential offerors and competition commensurate with the circumstances of the procurement, considering price, mission requirements, and available competition. In some circumstances, reasonable and adequate procedures may mean contacting only one potential offeror.

2-206.03 Procedure for procurement of more than \$10,000, but no more than \$50,000.

(1) Except for procurements under 2-206.02, the District shall use the following procedures in the procurement of supplies, services, professional services, or construction estimated to cost more than \$10,000, but no more than \$50,000:

(A) for the solicitation,

1. at least three firms or persons shall be contacted for a quotation or informal proposal and the District shall designate whether the response may be made in writing or verbally; and

2. the solicitation may be made verbally or in writing and shall include the specifications, the award criteria, and the date and time responses are due;

(B) for the award, the District shall make the award

1. in accordance with the specifications and award criteria in the solicitation, and

2. to the responsive and responsible firm or person that submitted the lowest quotation or the informal proposal that is the most advantageous to the District.

2-208 Emergency Procurement

2-208.01 Definition of emergency conditions. Emergency conditions are sudden unexpected turns of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, resulting in any of the following conditions:

- (1) equipment failure, if the need for timely repair is essential;
- (2) a need to protect public or private property; or
- (3) a situation in which, due to exigent circumstances, procurement through competitive sealed bidding or competitive sealed proposals is impractical or contrary to the public interest.

2-208.02 Scope of emergency procurement. Emergency procurement is limited to the services, supplies, professional services, or construction necessary to meet the emergency.

2-208.03 Procurement methods. The procedure used will be selected to assure that the required supplies, services or construction items are procured in time to meet the emergency. An emergency procurement may be made by any reasonable means, using competition that is practicable under the circumstances. AS 36.30.310, 2 AAC 12.450.

2-208.04 Authority. The General Manager has the authority to make emergency procurements under 2-208.01. The authority to make emergency procurements under 2-208.01(1), (2) and (3) may be delegated.

2-208.05 Determination and record of emergency procurement.

2-208.05.1 Determination.

(1) Prior to the procurement, the General Manager shall make a good faith effort to inform the Operations Director (or his designee) of the facts and circumstances that justify the need for the emergency procurement. Thereafter, the General Manager shall make a written determination, including findings of fact that state the basis for an emergency procurement, for the selection of the procurement method, and for the selection of the particular contractor.

(A) Contracts for emergency procurement that exceed \$50,000.00 shall include the following provisions:

(1) Severability:

(2) Cancellation for Good Cause:

(3) Liquidated Damages in the Event of Cancellation: Cost plus ??

(2) The General Manager may delegate to a responsible official the authority to make a determination of emergency under 2-208.01(1), (2), or (3) under the following circumstances:

(A) if immediate action is necessary to protect public health, welfare, or safety, or to protect public or private property; and

(B) if insufficient time exists

1. to provide the explanation and evidence required under (a) of this section; and

2. for the General Manager to make the written determination of emergency required under (a) of this section.

2-208.05.2 Record. A record of each emergency procurement shall be made as soon as practical after the procurement and shall include

- (1) the contractor's name;
- (2) the amount and type of the contract;
- (3) a listing of the supplies, services, or construction procured under the contract;
- (4) identification of the contract file; and
- (5) the written determination.

2-209 Reserved

2-210 Professional Services

2-210.01 Definition. The term "professional services" means legal, technical, advisory, consulting, architectural, engineering, research or developmental services which involve the exercise of discretion and independent judgment together with an advanced or specialized knowledge, expertise or training gained by formal studies or experience. Special provisions in 2-210.05 below apply to procurement of design professional services.

2-210.02 Applicable procedures for contracts of \$10,000 and below. The District may procure professional services with an estimated value of \$10,000 and below using the procedures in 2-206 (Small Purchases).

2-210.03 Applicable procedures for contracts over \$10,000. Procedures for competitive sealed proposals apply to the procurement of professional services with an estimated value over \$10,000.

2-210.03.1 Contents of requests for proposals. The request for proposals shall contain at least the following information:

- (1) the type of service required;
- (2) a description of the work involved;
- (3) an estimate of when and for how long the services will be required;
- (4) the type of contract to be used;
- (5) a date by which proposals for the performance of the services must be submitted;
- (6) a statement that the proposals must be in writing;