

Tobin walks out of sewer district meeting

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KEY LARGO — The Oct. 20 board meeting of the Key Largo Wastewater Treatment District was a tension-filled gathering that saw Commissioner Andy Tobin walk out early. Hot issues included the protocol of asking for legal advice and code enforcement.

Chairman Dave Asdourian raised questions about a bill submitted by Dale Morgado, who is the Miami-based lawyer the district keeps on retainer. Asdourian said the bill submitted to the district was for research regarding board authority that Tobin solicited on Sept. 25 prior to seeking the approval of his colleagues.

The "issues of board authority" refers to the ongoing discussion in the meetings over how much control the board has over the non-compliant-parcel-owner list that's cre-

ated by KLWTD staff and handed over to the county for enforcement. The topic has prompted a heated exchange between General Counsel Ray Giglio and Tobin, with Giglio saying in a September memo that any effort by the board to interfere with this list could be a "slippery slope" to obstruction of justice.

"I personally just don't see that the district should be responsible for paying this portion of the bill," said Asdourian about Morgado's bill. "This took place on 9/25, 9/29, and we didn't even discuss it until October and at the last meeting when authorization was given," he said, referring to the Oct. 13 meeting when the five-member board approved getting an independent legal opinion about their authority over the non-compliant list.

"I don't think that it's unusual for us to be able to get second opinions, and that's what I did," Tobin

said.

"The first time any of this came to light was on 10/3. ... You sent an email to the commissioners and others. You put that 'I believe we should employ independent legal counsel to resolve whether the board had a ministerial duty to transmit the code enforcement list,'" Asdourian said.

"Dale is not independent counsel. Dale is our lawyer. He's on retainer," Tobin responded. "We have enough confidence in our lawyer and our manager and our staff that when they need legal advice they pick up the phone and they get legal advice. So now I get punished, because I have a concern and I want to get legal advice?"

"You took action without considering the other four commissioners at this table, and this is not the first time that this has happened. And it just, it needs to stop," Asdourian said.

"Here it is, once again,

that I am getting criticized for trying to get some independent information from another one of our lawyers," said Tobin.

"My concern is you got caught with your hand in the cookie jar again and now you are willing to turn over the paperwork, which has not been made available to any of us," said Asdourian, referring to a memo Morgado wrote as a result of Tobin's direction. "And that I have a problem with."

"I would like to, on the record, object to the chairman's use of 'caught with your hand in the cookie jar,' insinuating that Andy Tobin is stealing something from the district," said Commissioner Robby Majeska.

"Goodnight, guys, thanks, and once again, for an enjoyable meeting," said Tobin as picked up his belongings and walked out of the meeting.

In related news, the nuts

and bolts of sending the list of property owners who haven't connected to the sewer system to the county for enforcement action were discussed.

"I'm leaning toward sending everybody a certified letter saying, 'Times up,'" Majeska said.

"This talk of only sending five or six, or eight or 10, has been going on for a while," said Asdourian, referring to the county code enforcement department's request that the district send the non-compliant list in small batches. "I agree [with] sending all of them to code enforcement."

"Mr. Chairman, our code enforcement program that we have here at the district is not intended, was not created, to penalize peo-



Tobin

ple," General Manager Paul Christian said. "It was created to encourage people to hook up. And I'm going to tell you, it's been working. ... If we hammer them and send them to code, I don't know what's going to happen to them. They might lose their homes."

Commissioner Steve Gibbs agreed with Christian, but asked, "How can we tell the difference between someone that just doesn't give a damn and says, you know, 'I'm not going to hook up,' and someone that really is, who needs more time?"

Christian suggested that for clarity's sake he create a presentation on how staff puts together the non-compliant list; the board agreed to hear his presentation on Nov. 10.

The next meeting is Nov. 3 at 98880 Overseas Highway. Agendas are available at klwtd.com.

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