

**KEY LARGO WASTEWATER TREATMENT DISTRICT  
BOARD OF COMMISSIONERS  
COMMISSION MEETING AGENDA**



August 5, 2014 4:00 PM  
98880 Overseas Hwy  
Key Largo, FL 33037

**Stephen Gibbs  
Andrew Tobin  
Robert Majeska  
Norman Higgins  
David Asdourian**

**Chair  
Vice Chair  
Secretary-Treasurer  
Commissioner  
Commissioner**

.....  
**Margaret Blank  
Ray Giglio  
Melissa Cornelison**

**General Manager  
General Counsel  
Deputy Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the District Clerk at 305 451-4019 at least 48 hours in advance to request accommodations.

**A. CALL TO ORDER - PLEASE MUTE CELL PHONES**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR  
CONTINUANCES**

**E. 5:00 PM Time Specific PUBLIC HEARING**

**Action**

**TAB 1**

**1. RESOLUTION NO. 19-08-14**

**A RESOLUTION OF THE KEY LARGO WASTEWATER  
TREATMENT DISTRICT AMENDING AND RESTATING  
PRELIMINARY ASSESSMENT RESOLUTION (RESOLUTION NO.  
11-05-14) RELATING TO THE CONSTRUCTION AND FUNDING  
OF WASTEWATER COLLECTION, TRANSMISSION, AND**

TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**F. PUBLIC COMMENT**

**G. COMMISSIONER'S ITEMS** **TAB 2**

2. Discussion of On-Site Systems (Chairman Gibbs)
3. Meeting in November 2014 between BOCC and KLWTD at the Murry Nelson Government Center (Commissioner Tobin)
4. Authorize Rosasco to Prepare Funding Analysis Report (Commissioner Tobin)
5. Discussion of General Manager Position (Commissioner Higgins)

**H. ENGINEERING REPORT** **TAB 3**

6. On-Site Chemical Generation Presentation by Derek Lubie, President of Electrolytic Technologies Corporation

**I. LEGAL COUNSEL REPORT** **TAB 4**

7. Update on KLWTD Low Income Charter Amendment
8. RESOLUTION NO. 21-08-14 Action  
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, AMENDING SECTION 10.06(1)(i)3)a)vi) OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, GENERAL RULES AND REGULATIONS, AS AMENDED JUNE 18, 2013; AND PROVIDING AN EFFECTIVE DATE.
9. RESOLUTION NO. 20-08-14  
A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE KEY LARGO WASTEWATER TREATMENT DISTRICT RULES AND REGULATIONS AND RETIRING RESOLUTION NO. 06-03-13 REGARDING TAX PARCELS PURCHASED BY MONROE COUNTY FOR CONSERVATION PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

**J. GENERAL MANAGER'S REPORT** **TAB 5**

10. Hibiscus Marketing Contract Action

**K. COMMISSIONER'S ROUNDTABLE**

**L. ADJOURNMENT**

**MISSION STATEMENT:**

*"The Mission of the Key Largo Wastewater Treatment District is to preserve and protect the delicate ecosystem of the Florida Keys while providing exceptional customer service."*

# TAB 1

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No. 1

☒ PUBLIC HEARING

☒ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Public Hearing for Approval of Resolution 19-08-14 (2014 Final Assessment Resolution).

RECOMMENDED MOTION/ACTION: Approval of Resolution.

Approved by General Manager MB/ank

Date: 8/1/2014

<b>Originating Department:</b> Customer Service	Costs: Anticipated revenue to be collected \$705,000	<b>Attachments:</b> 1. Resolution 19-08-14 a. List of Parcels to be Assessed b. Map of Affected Area 2. Sample Notice of Public Hearing
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>MB</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input checked="" type="checkbox"/> Customer Service <u>JK</u>	<b>Advertised: Yes</b>

Summary Explanation/Background:

The attached Notice of Public Hearing was mailed to property owners assessed for the first time.

Resolution 19-08-14 is the 2014 Final Assessment Resolution

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

## **RESOLUTION NUMBER NO. 19-08-14**

**A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING AND RESTATING PRELIMINARY ASSESSMENT RESOLUTION (RESOLUTION NO. 11-05-14) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

THIS RESOLUTION MAY BE REFERRED TO AS THE 2014 FINAL ASSESSMENT RESOLUTION.

WHEREAS, the District has conducted a Public Hearing on this date regarding the Preliminary Assessment Resolution (No. 11-05-14), and has considered the comments received;

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Key Largo Wastewater Treatment District, as follows:

### **ARTICLE I**

#### **DEFINITIONS AND INTERPRETATION**

**SECTION 1.01. DEFINITIONS.** As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

**“Annual Assessment Resolution”** means the resolution adopted by the District approving 1) an Assessment Roll, 2) establishing the adjusted cost for specific components of the Assessment Roll including but not limited to the connection, capacity and equipment costs applicable to all Tax Parcels initially Assessed that year and 3) the interest rate used to calculate the Assessment Roll for that specific Tax year in accordance with the Uniform Assessment Collection Act.

**“Annual Debt Service Component”** means the amount computed for each Tax Parcel pursuant to Section 5.02 hereof.

**“Assessment”** means a charge imposed by the District against real property within the Assessment Area to fund the Capital Cost of Utility Improvements or the Operating Cost of

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Related Services, as provided for in the District Assessment resolutions. The Assessment may represent a portion of the total System Development Charge as calculated herein and in accordance with the Uniform Assessment Collections Act or may represent the entire System Development Charge where applicable.

**“Assessment Roll”** means a roll of Non-Ad Valorem charges prepared by the District and certified to the Monroe County Tax Collector for collection. Annually, the District may prepare a preliminary and, upon review

**“Assessment Area”** means the proposed initial Wastewater Assessment Area described in Section 4.01 hereof.

**“Assessment Coordinator”** means a Person or Persons designated by the District to be responsible for coordinating Assessments.

**“Board”** means the Board of Commissioners of the Key Largo Wastewater Treatment District.

**“Capital Cost”** means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal, or replacement (including demolition, environmental mitigation, and relocation) of the Wastewater Management Facilities, and imposition of the Assessment under generally accepted accounting principles; and including reimbursement to the District for any funds advanced for Capital Cost and interest on any interfund, intrafund, or temporary construction loan for such purposes.

**“Collection Cost”** means the estimated cost to be incurred by the District during any Fiscal Year in connection with the collection of Assessments including, but not limited to, costs associated with billing and collection, financing charges, and other charges or costs associated with the use of the Uniform Assessment Collection Act.

**“District”** means the Key Largo Wastewater Treatment District.

**“District Obligation”** means an Original Obligation secured by proceeds of the Assessments.

**“Dwelling Unit”** means a single unit designated or intended for one-family occupancy (a household of one or more Persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, one residential condominium unit (whether in a single-unit building or a multiple-unit building), or one mobile home or recreational vehicle space not regulated under Chapter 513, F.S. An Employee Housing Unit that is part of a Commercial Accommodation facility is not a Dwelling Unit.

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**“Equivalent Dwelling Unit”** or **“EDU”** means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage. This figure is computed in the manner described in Section 4.02 hereof. **“Equivalent Dwelling Unit”** or **“EDU”** means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per Day of potable water usage.

**“Excluded Parcel”** means a Tax Parcel, as determined by the District, that will not receive a special benefit from construction of the District Wastewater Management Facilities and accordingly, not be included in the District’s Tax Roll. To be designated as an Excluded Parcel, the Tax Parcel must not be improved with facilities or structures that generate, or might generate, sewage that will be managed by the District Wastewater Management Facilities.

**“Final Assessment Resolution”** means the resolution that will confirm, modify, or repeal this Resolution and that will be the final proceedings for imposition of Assessments described in this Resolution.

**“Final Assessment Roll”** means the non-ad valorem assessment roll relating to the Assessment Program described in Section 3.01 hereof.

**“Fiscal Year”** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year of the District.

**“FKAA”** means the Florida Keys Aqueduct Authority.

**“Government Property”** means a Tax Parcel owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**“Initial Prepayment Amount”** means the amount required to pay in full the System Development Charge for a particular Tax Parcel prior to being included in the Annual Assessment Roll as set forth in the applicable Assessment Resolution.

**“Irrigation Meter”** means a particular type of meter as defined and installed by the Florida Keys Aqueduct Authority as an “Irrigation Meter” for Commercial properties that have excessive potable water use that does not return to the wastewater system.

**“KLWTD Rules and Regulations”** means the Key Largo Wastewater Treatment District General Rules and Regulations as may from time to time be amended.

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**“Laundromat”** means a stand-alone laundry business that provides self-Service and non-self-Service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination. “Laundromat” does not include laundry facilities that are located in or otherwise associated with a Commercial Accommodation

**“Mixed-Use Tax Parcel”** means a Tax Parcel improved with a structure or group of structures, comprising one or more Dwelling Units, and one or more units that are not a Dwelling Unit, or a Laundromat.

**“Multi-Family, Unique Residential Parcel”** means a Unique Residential Parcel intended for more than one Dwelling Unit and less than seven Dwelling Units.

**“Non-Residential Tax Parcel”** means a Tax Parcel classified by the Property Appraiser as other than “residential” and that is improved with a structure or structures, no part of which is a Dwelling Unit.

**“Original Obligations”** means that portion of a series of bonds or other evidence of indebtedness, including without limitation notes, commercial paper, capital leases, or any other obligations issued or incurred to finance the Project Cost of the District Wastewater Management Facilities.

**“Preliminary Assessment Roll”** means the non-ad valorem preliminary assessment roll relating to the Assessment Program described in Section 3.01 hereof.

**“Project Cost”** means (A) the aggregate Initial Prepayment Amount of all Tax Parcels subject to the Assessment prior to any prepayments, (B) the Transaction Cost associated with the District Obligations attributable to District Wastewater Management Facilities, (C) interest accruing on such District Obligations for such period of time as the District deems appropriate, (D) the debt service reserve fund or account, if any, established for the District Obligations attributable to District Wastewater Management Facilities, and (E) any other costs or expenses related thereto.

**“Property Appraiser”** means the Monroe County Property Appraiser.

**“Qualifying Water Meter”** means a water meter which provides service to a Tax Parcel and has a service type designation of “W RES” or “W NONRES” according to FKAA records.

**“Residential Tax Parcel”** means a Tax Parcel improved with a structure or structures that are comprised exclusively of Dwelling Units and their appurtenances, such as garages, sheds, swimming pools, and boat docks.



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**“Single-Family, Unique Residential Parcel”** means a Unique Residential Parcel intended for a single Dwelling Unit.

**“State”** means the State of Florida.

**“System Development Charge”** or **“SDC”** means the District's charge to each owner of property. The SDC is expected to recover approximately 40% of the Capital Costs related to the construction of the Wastewater Management Facilities attributable to the Tax Parcels covered by this Resolution.

**“Tax Collector”** means the Monroe County Tax Collector.

**“Tax Parcel”** means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**“Tax Roll”** means the real property ad valorem tax assessment roll maintained by the Monroe County Tax Collector for the purposes of the levy and collection of ad valorem taxes.

**“Transaction Cost”** means the costs, fees, and expenses incurred by the District in connection with the issuance and sale of any series of District Obligations, including without limitation (A) rating agency and other financing fees; (B) the fees and disbursement of bond counsel and disclosure counsel, if any; (C) the underwriter's discount; (D) the fees and disbursements of the District's financial advisor; (E) the costs of preparing and printing the District Obligations; (F) the fees payable in respect of any bond or reserve account insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with the issuance of such District Obligations.

**“Uniform Assessment Collection Act”** means the method of collecting non-ad valorem assessments provided in Chapter 197.3632, Florida Statutes.

**“Unique Residential Parcel”** means a residential Tax Parcel which can only deliver wastewater to the main collection system by means of a pumping mechanism and by connecting either to a low pressure collection system or to a transmission main. A Unique Residential Parcel does not include a residential multi-family Tax Parcel consisting of more than six Dwelling Units or a Tax Parcel for which the District has provided a connection point capable of receiving wastewater by gravity, such as a gravity collection system or a vacuum pit.

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**“Vacant Parcel”** means a Tax Parcel that is unimproved with any structures or facilities such as quick-connect fixtures for recreational vehicles that might generate Wastewater, but does not include a Tax Parcel for which permits have been issued for construction.

**“Wastewater Management Facilities”** means all facilities acquired, designed, constructed, installed, reconstructed, renewed, or replaced by the District for the purpose of collecting, transporting, and treating wastewater and disposing of the byproducts of such treatment. In general, Wastewater Management Facilities may be characterized as one of three types: collection system, transmission main, and treatment plant.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder,” and similar terms refer to this Resolution; the term “hereafter” means after the effective date of this Resolution; the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

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**ARTICLE II**

**FINDINGS**

**SECTION 2.01. FINDINGS.** It is hereby ascertained, determined, and declared that:

- A. Pursuant to the Key Largo Wastewater Treatment District Act (Chapter 2002-337, Florida Statutes), as amended, and the Uniform Special District Accountability Act of 1989 (Chapter 189, Florida Statutes), the Key Largo Wastewater Treatment District possesses, among other powers, the powers to:
1. Perform such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the District, including all business facilities necessary and incidental thereto;
  2. Adopt resolutions and policies as necessary for implementation, regulation, and enforcement, consistent with the purposes of the District;
  3. Plan, develop, purchase or otherwise acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any wastewater management system and facilities within the territorial limits of the District;
  4. Assess and impose ad valorem and non-ad valorem assessments upon the lands in the District, as provided by the Key Largo Wastewater Treatment District Act and the Uniform Assessment Collection Act; and
  5. Do all acts or things necessary or convenient to carry out the powers expressly granted in the Key Largo Wastewater Treatment District Act.
- B. On or about December 3, 2013, the Board adopted a resolution expressing its intent to use the Uniform Method of Collecting Non-Ad Valorem Assessments.
- C. The District has entered into written agreements with the Property Appraiser and the Tax Collector in connection with the assessment and collection of non-ad valorem assessments.
- D. The District has entered into contracts for the design and construction of Wastewater Management Facilities to serve the District, including the portion of the District described in this Resolution as the Assessment Area, and these Wastewater Management Facilities will be designed and constructed.
- E. Construction and operation of the Wastewater Management Facilities will provide a special benefit to real property located within the Assessment Area by providing access to the sewer system, eliminating the present need for onsite sewage treatment and disposal

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- facilities on the real property located within the Assessment Area, eliminating existing illegal and inadequate onsite sewage treatment and disposal facilities on the real property located within the Assessment Area, and preventing further pollution of the ground water and surface waters under, on, and adjacent to the real property within the Assessment Area.
- F. The Assessment established by this Resolution has been the subject of considerable research into the projected needs of the District for capital funding using the various possible methods of determining the amount of System Development Charges (“SDCs”) for the apportionment of Capital Costs among the properties to be assessed. Among other things, the Board contracted with Public Resources Management Group, Inc. (“PRMG”) to conduct a study and make recommendations as to wastewater rates and SDC’s. On or about May 31, 2005, PRMG delivered to the Board the results of its study in a document entitled “Financial Forecast and Wastewater Rate Analysis.” The Board held a public hearing on July 3, 2005 to receive public comments on the proposed wastewater rates and SDC’s.
- G. As a result of these efforts, on July 20, 2005, the Board accepted the PRMG recommendations, and adopted a method of calculation of SDC’s to be imposed against real property located within the Assessment Area. The amounts to be collected as SDC’s total about 40% of the Capital Cost of District Wastewater Management Facilities constructed, and to be constructed, by the District and allocated to the Tax Parcels covered by this Resolution.
- H. At that time, the Board established a special classification for Laundromats for the purpose of calculating SDC’s. The District determined that, for that purpose only, a Laundromat is to be counted as having one EDU. This determination was based on the Board’s finding that the vast majority of Laundromat customers are either residents of the District or guests at hotels, motels, and other guest accommodations within the District and that the SDC’s to be paid on account of those residences and guest accommodations will be sufficient to provide capacity for sewage generated by Laundromats.
- I. The District has designed the Wastewater Management Facilities in a way that is most economical and cost-effective for the District, as a whole. Although the District has provided the vast majority of residential Tax Parcels with connection points capable of receiving wastewater by gravity, the District has not provided gravity connection points

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for Unique Residential Parcels. The Board finds that it is fair and reasonable to provide low pressure wastewater transmission equipment, commonly referred to as grinder pumps, to the Unique Residential Parcels. Further, the Board finds that is in the best interests of the District for the District to install the low pressure equipment and associated piping needed to connect the Unique Residential Parcels to the Wastewater Management Facilities, to maintain the low pressure equipment and associated piping installed by the District as described herein.

- J. The Board hereby reaffirms its findings and determinations as described above. In addition, District Staff has conducted research and inspections of properties within the Assessment Area, and has developed classifications of service for the purpose of setting monthly rates. The Board adopts classifications of service for the purpose of SDC's and Assessments, as further described below. Further, the Board has determined that it is appropriate to increase the amounts of SDC's in order to take into account inflation since the 2005 Final Assessment Resolution.
- K. The method for calculating SDC's described below is a fair and reasonable apportionment of costs among the properties to be assessed under this Resolution.
- L. The use of the Uniform Assessment Collection Act is a convenient and secure method to ensure collection of all SDC's to be collected by the District. Use of this method will enhance the ability of the District to borrow funds at reasonable rates in order to further develop and expand the Wastewater Management Facilities.
- M. The Assessment established by this Resolution is imposed by the District, and not Monroe County. Any activity of the Property Appraiser or Tax Collector in connection with this Resolution and the non-ad valorem assessment shall be solely ministerial.

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**ARTICLE III  
ASSESSMENT ROLL**

**SECTION 3.01. ASSESSMENT ROLL.**

- A. Attached to this Resolution as Exhibit A is the Assessment Roll showing the Tax Parcels to be assessed.
- B. Included in this Assessment Roll is the Initial Prepayment Amount for each Tax Parcel. This is the amount to be paid in accordance with the KLWTD Rules and Regulations Section 10.11 if the owner of a Tax Parcel wishes not to participate in the annual payment program.
- C. Also included is the first annual Assessment which will be on the 2014 property tax bill if the Initial Prepayment Amount is not paid in full prior to September 1, 2014.
- D. The estimated Capital Costs to be collected by virtue of this non-ad valorem Assessment, in the approximate amount of \$705,000 represent a portion of the total funds which will be applied, along with grants, other non-ad valorem assessments, the proceeds of District obligations, and other funds toward construction of Wastewater Management Facilities to be acquired, designed, constructed, installed, reconstructed, renewed, and replaced at a total Capital Cost estimated at \$154,500,000. The Board intends to levy non-ad valorem assessments on Tax Parcels located throughout the District as Wastewater Management Facilities become capable of serving those Tax Parcels.

**SECTION 3.02. PUBLIC HEARING.** The Board will conduct a public hearing at 5:00 p.m., or as soon thereafter as the matter can be heard, on August 5, 2014, at the District Office located at 98880 Overseas Highway, Key Largo, Florida, to consider:

- A. Imposition of Assessments; and
- B. Collection of the Assessments under Chapter 197.3632, Florida Statutes.

**SECTION 3.03. NOTICE BY PUBLICATION AND BY MAIL.** The District Clerk shall publish and mail notices of the public hearing in the manner required by the Uniform Assessment Collection Act on or before 20 days prior to the public hearing stated in Section 3.02 above.

Key Largo Wastewater Treatment District  
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**ARTICLE IV**

**GENERAL PROVISIONS WITH RESPECT TO ASSESSMENTS**

**SECTION 4.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.**

- A. The proposed Assessment area shall include the Tax Parcels listed on the Assessment Roll.
- B. The specific Tax Parcels and the Initial Prepayment Amount for each Tax Parcel are listed in Exhibit A. The Tax Parcels affected by this Resolution are depicted graphically in Exhibit B.
- C. The District's Service area includes the territory consisting of the island of Key Largo, including all lands east of Tavernier Creek, including Tavernier, Key Largo, and Cross Key, with the exception of Ocean Reef, all in Monroe County, Florida.

**SECTION 4.02. INITIAL PREPAYMENT AMOUNT.** The Initial Prepayment Amount for each Tax Parcel covered by this Resolution is equal to the SDC calculated for that Tax Parcel, which is dependent upon the Tax Parcel classification as follows:

- A. Residential Tax Parcels. For residential wastewater Service, the SDC is the sum of:
  - 1. \$2,060 per Dwelling Unit for wastewater treatment plant capacity, plus
  - 2. \$1,210 per Dwelling Unit for force main – pipe capacity, plus
  - 3. \$2,500 per connection for connection to the wastewater system.
- B. Non-Residential Tax Parcels. For non-residential wastewater service, the SDC is the sum of:
  - 1. \$2,060 per EDU for wastewater treatment plant capacity;
  - 2. \$1,210 per EDU for force main – pipe capacity; plus
  - 3. \$2,500 per connection or actual cost of connection, whichever is greater, for connection to the wastewater system.
  - 4. EDUs shall be calculated using the methodology indicated in the KLWTD Rules and Regulations.
- C. Laundromats. For purposes of calculating SDC's, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.
- D. Mixed-Use Tax Parcels. For mixed-use wastewater service, the SDC is the sum of:
  - 1. \$2,060 per EDU for wastewater treatment plant capacity;

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2. \$1,210 per EDU for force main – pipe capacity; plus
  3. \$2,500 per connection or actual cost of connection, whichever is greater, for connection to the wastewater system.
  4. EDUs shall be calculated using the methodology indicated in the KLWTD Rules and Regulations.
- E. Unique Residential Parcel. For a Unique Residential Parcel, the SDC is the sum of:
1. \$2,060 per Dwelling Unit for wastewater treatment plant capacity, plus
  2. \$1,210 per Dwelling Unit for force main – pipe capacity, plus
  3. \$2,500 per connection for connection to the wastewater system; plus
  4. \$3,400 per connection for low pressure equipment.
- F. Vacant Parcel. The initial SDC for a Vacant Parcel will be the same as the SDC for a Residential Tax Parcel improved with one Dwelling Unit. Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.

**SECTION 4.03.** Provisions regarding the computation method, initial prepayment option, excluded parcels, subdivided and combined tax parcels, incorrectly assessed parcels, request for review of assessment and optional and mandatory prepayments are outlined in the KLWTD Rules and Regulations Article X.



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**ARTICLE V**

**GENERAL PROVISIONS**

**SECTION 5.01. METHOD OF COLLECTION.** The Assessments shall be collected pursuant to Chapter 197.3632, Florida Statutes, The Uniform Assessment Collection Act.

**SECTION 5.02. SEVERABILITY.** If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 5.03. CONFLICT.** In the event that any portion of this Resolution, or application thereof, conflicts with any State or Federal law, such State or Federal law shall prevail.

Key Largo Wastewater Treatment District  
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**EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the District.

The foregoing RESOLUTION was offered by Commissioner \_\_\_\_\_,  
who moved its approval. The motion was seconded by Commissioner \_\_\_\_\_,  
and being put to a vote the result was as follows:

	AYE	NAY
Chairman Stephen Gibbs	_____	_____
Commissioner David Asdourian	_____	_____
Commissioner Norman Higgins	_____	_____
Commissioner Robert Majeska	_____	_____
Commissioner Andrew Tobin	_____	_____

The Chairman thereupon declared Resolution No. 19-08-14 duly passed and adopted the 5th day of August, 2014.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: \_\_\_\_\_  
Chair Stephen Gibbs

ATTEST:

Approved to as to form and legal sufficiency

\_\_\_\_\_  
Melissa Cornelison, Deputy Clerk

\_\_\_\_\_  
Raymond Giglio, District Counsel

SEAL

# 2014 Final Assessment Resolution 19-08-14 - Exhibit A

Project Name	AK	Parcel ID	Owner	EDU	Beginning Balance	Annual Asmt
KLWTD - 8	1090905	00082260-000000	MAXWELL MARY KAUFMAN LIV TR 10/23/00 AMD 2/8/01	1.0	\$9,170	\$769.88
KLWTD - 8	1091120	00082540-000000	SILER EMILY E	1.0	\$9,170	\$769.88
KLWTD - 8	1091286	00082680-000000	MONROE COUNTY	1.0	\$5,770	\$484.43
KLWTD - 8	1092444	00083790-000100	OLD KEYS TAVERN LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1094099	00085470-000000	HOLEMAN HOWARD SPENCER	1.0	\$5,770	\$484.43
KLWTD - 8	1095346	00086740-000100	SO BELL TEL AND TEL CO	1.0	\$5,770	\$484.43
KLWTD - 8	1100137	00088300-000000	KRSTIC ZIVADIN	1.0	\$5,770	\$484.43
KLWTD - 8	1100498	00088640-000000	STONE LEDGE PARADISE LLC	19.4	\$65,938	\$5,535.90
KLWTD - 8	1100960	00089090-000000	SUNSET GARDENS ESTATE LAND TRUST 2/10/2014	1.0	\$5,770	\$484.43
KLWTD - 8	1101451	00089560-000000	SAUNDERS PATRICIA L	1.0	\$5,770	\$484.43
KLWTD - 8	1101516	00089650-000000	GONZALEZ ENRIQUE R	1.0	\$5,770	\$484.43
KLWTD - 8	1101842	00089940-000000	91941 TAVERNIER LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1101851	00089950-000000	91941 TAVERNIER LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1101877	00089970-000000	91941 TAVERNIER LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1101885	00089980-000000	MOUNT RONALD J	1.0	\$5,770	\$484.43
KLWTD - 8	1101907	00090000-000000	JAS520 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1101915	00090010-000000	ALBURY DOROTHY ALBERTA	1.0	\$5,770	\$484.43
KLWTD - 8	1103675	00090770-000200	SCHERR A MARIE	1.0	\$5,770	\$484.43
KLWTD - 8	1105091	00091190-000200	SCHERR A MARIE	1.0	\$5,770	\$484.43
KLWTD - 8	1538370	00439080-000101	DAVIS ROBERT C REVOCABLE TRUST AGREE 8/27/1994	1.0	\$9,170	\$769.88
KLWTD - 8	1538418	00439080-000105	SKINNER MATTHEW	1.0	\$9,170	\$769.88
KLWTD - 8	1538434	00439080-000107	COFFIN WINDSOR D INTER VIVOS TRUST DTD 4/15/94	1.0	\$9,170	\$769.88
KLWTD - 8	1538477	00439080-000111	LLOYD TRINITY	1.0	\$9,170	\$769.88
KLWTD - 8	1548570	00448930-000000	COUNTY OF MONROE	1.0	\$5,770	\$484.43
KLWTD - 8	1585530	00478980-000000	BOARD OF COUNTY COMMISSIONERS	1.0	\$5,770	\$484.43
KLWTD - 8	1585548	00478990-000000	BOARD OF COUNTY COMMISSIONERS	1.0	\$5,770	\$484.43
KLWTD - 8	1585629	00479070-000000	BOARD OF COUNTY COMMISSIONERS	1.0	\$5,770	\$484.43
KLWTD - 8	1585637	00479080-000000	BOARD OF COUNTY COMMISSIONERS	1.0	\$5,770	\$484.43
KLWTD - 8	1586561	00480060-000000	BARRETO ROGER J REV INT TRUST 7/20/2000	1.0	\$5,770	\$484.43
KLWTD - 8	1586579	00480070-000000	LANES SAUL AND ROSALIND	1.0	\$5,770	\$484.43
KLWTD - 8	1590061	00480880-000000	FALLON SEAN T SR	1.0	\$5,770	\$484.43
KLWTD - 8	1590088	00480880-000200	VASTARDIS ANTHONY A & MARYANN G	1.0	\$5,770	\$484.43

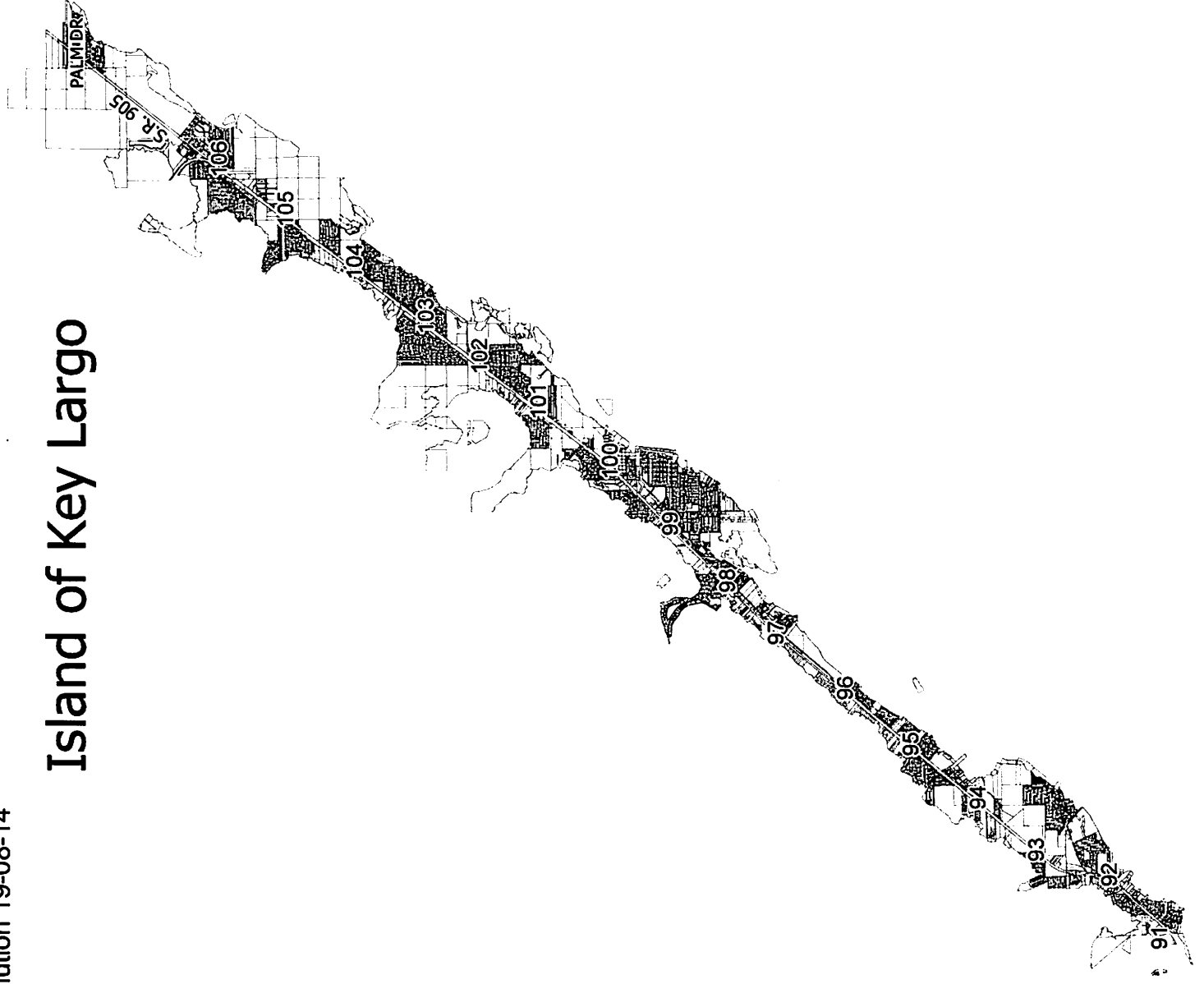
2014 Final Assessment Resolution 19-08-14 - Exhibit A

Project Name	AK	Parcel ID	Owner	EDU	Beginning Balance	Annual Asmt
KLWTD - 8	1599352	00486900-000000	MCINERNY WAGGLE INC	1.0	\$5,770	\$484.43
KLWTD - 8	1599387	00486920-000000	POPP LINDA LOU	1.0	\$5,770	\$484.43
KLWTD - 8	1599395	00486930-000000	ALVAREZ JOSE ANTONIO AND CONNIE	1.0	\$5,770	\$484.43
KLWTD - 8	1650943	00531770-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1650951	00531780-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1650960	00531790-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1650978	00531800-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1651052	00531880-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1651061	00531890-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1651079	00531900-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1651087	00531910-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1651095	00531920-000000	WBC 106 LLC	1.0	\$5,770	\$484.43
KLWTD - 8	1664995	00541500-000000	CARTER ENTERPRISES INC	1.0	\$9,170	\$769.88
KLWTD - 8	1665096	00541600-000000	LEGER BRUCE AND MARIE	1.0	\$9,170	\$769.88
KLWTD - 8	1665240	00541750-000000	BLAUVELT ROBERT J	1.0	\$9,170	\$769.88
KLWTD - 8	1666564	00543040-000000	BARKAS HAROLD PETER TRUST	1.0	\$5,770	\$484.43
KLWTD - 8	1666572	00543050-000000	BARKAS HAROLD PETER TRUST	1.0	\$5,770	\$484.43
KLWTD - 8	1667919	00544390-000000	LANG DONALD	1.0	\$5,770	\$484.43
KLWTD - 8	1668044	00544520-000000	TIITF/DNR - DIV REC & PARKS	1.0	\$5,770	\$484.43
KLWTD - 8	1668729	00545210-000000	TIITF/DNR - DIV REC & PARKS	1.0	\$5,770	\$484.43
KLWTD - 8	1668737	00545220-000000	TIITF/DNR - DIV REC & PARKS	1.0	\$5,770	\$484.43
KLWTD - 8	8641494	00083791-000000	ANCHORAGE RESORT AND YACHT CLUB INC	37.2	\$127,544	\$10,708.10
KLWTD - 8	8642709	00089670-000100	HOSPICE OF FLORIDA KEYS INC	1.0	\$5,770	\$484.43
KLWTD - 8	8738030	00564911-000608	HARLEE ELNORA B	1.0	\$9,170	\$769.88
KLWTD - 8	8738064	00564911-000611	POST JAMES H	1.0	\$9,170	\$769.88
KLWTD - 8	8798733	00087100-000601	FLORIDA KEYS JUVENILE SERVICES INC	1.0	\$9,170	\$769.88
KLWTD - 8	8820674	00089960-000100	DUANE THOMAS B AND KAREN S	1.0	\$9,170	\$769.88
KLWTD - 8	8822090	00080241-000000	BDD OF TRS OF THE IIF OF THE ST OF FL	1.0	\$5,770	\$484.43
KLWTD - 8	8882181	00089560-000200	ELLISON KRISTI L REV TRUST 12/27/2000	1.0	\$5,770	\$484.43
KLWTD - 8	8927746	00089060-000300	BRANDON JEANNETTE	1.0	\$5,770	\$484.43
KLWTD - 8	8932683	00080251-000000	FRALEIGH MARK P	1.0	\$9,170	\$769.88
KLWTD - 8	8932826	00080241-000100	ALABAMA JACKS INC	1.4	\$10,478	\$879.69

2014 Final Assessment Resolution 19-08-14 - Exhibit A

Project Name	AK	Parcel ID	Owner	EDU	Beginning Balance	Annual Asmt
KLWTD - 8	8968477	00564912-001801	ANDERSON PORTER	1.0	\$9,170	\$769.88
KLWTD - 8	9093503	00515260-000100	GUY KEVIN MICHAEL AND TAMMY MARIE	1.0	\$5,770	\$484.43
KLWTD - 8	9095586	00511220-000100	JONWEN INVESTMENTS LLC	1.0	\$5,770	\$484.43
KLWTD - 8	9095591	00511220-000101	JONWEN INVESTMENTS LLC	1.0	\$5,770	\$484.43
KLWTD - 8	9096486	00476230-000100	STOKY ROBERT C	1.0	\$5,770	\$484.43
KLWTD - 8	9098182	00527680-000100	BORREGO HILARIO N REV TRUST 4/20/2007	1.0	\$5,770	\$484.43
KLWTD - 8	9098730	00510960-000100	THOMPSON MARK RICHARD	1.0	\$5,770	\$484.43
KLWTD - 8	9099356	00548330-000100	SILCOX EMMA ELIZABETH AND JAMES HEYWARD III	1.0	\$5,770	\$484.43
KLWTD - 8	9100430	00543800-000100	CURRY DIXON HOLDINGS LLC	1.0	\$5,770	\$484.43
KLWTD - 8	9100452	00489490-000100	MAS ELIZABETH SUZANNE	1.0	\$5,770	\$484.43
KLWTD - 8	9100455	00455910-000100	JUVIER TRUCKING CORP	1.0	\$5,770	\$484.43
KLWTD - 8	9101068	00471690-000100	MCLENDON THOMAS OTIS AND LINDA M	1.0	\$5,770	\$484.43
KLWTD - 8	9101973	00545920-000100	CAPUTO MARNI	1.0	\$5,770	\$484.43
KLWTD - 8	9102107	00473730-000201	MARLIN INVESTMENTS LLC	1.0	\$5,770	\$484.43
KLWTD - 8	9102261	00512720-000100	BSM SECURITIES LLC	1.0	\$5,770	\$484.43
KLWTD - 8	9102314	00467660-000100	MARZOUKA ROBERT AND FRANCE MARIE	1.0	\$5,770	\$484.43
KLWTD - 8	9102400	00554720-000300	HERNANDEZ MAYKE	1.0	\$5,770	\$484.43

# Island of Key Largo



# Key Largo Wastewater Treatment District

98880 Overseas Highway – PO Box 491

Key Largo, FL 33037

305-451-4019



## NOTICE OF PUBLIC HEARING Scheduled for August 5, 2014

NAME  
MAILING ADDRESS

July 16, 2014

Alternate Key #:  
Physical Address:

Dear Property Owner:

In accordance with the state of Florida Uniform Assessment Collection ACT (FS Chapter 197.3632) and the 2014 Final Assessment Resolution 19-08-14, **Notice is hereby given** that the Key Largo Wastewater Treatment District Board of Commissioners will conduct a public hearing to consider imposition of non-ad valorem assessments against certain parcels of real property located within the District. **The hearing will be held at 5:00 P.M., or as soon thereafter as the matter can be heard, on Tuesday, August 5, 2014, at the District office located at 98880 Overseas Highway in Key Largo, Florida, for the purpose of receiving public comment on the proposed assessments.**

The parcel referenced above is affected by this assessment. The District expects to collect approximately \$750,000 from the 88 parcels assessed in the 2014 Wastewater Assessment. However,

**The Total Wastewater System Development Charge for this Parcel is**  
**Which is based upon the following number of dwelling units or EDUs:**

**\$5,770**  
**1.0**

The purpose of this assessment is to obtain funds for the construction of wastewater facilities, including a central wastewater treatment plant, transmission lines, collection systems, and related improvements needed to collect, transmit, and treat wastewater. Both vacant and improved property parcels are affected by this assessment. When service becomes available, properties containing structures will be required to connect to the wastewater collections system.

All affected real property owners have a **right to appear** at the hearing and/or to file written comments with the District within **20 days of this notice**. If a person wishes to appeal any decision made by the District with respect to any matter considered at the hearing, such person will need a record of the proceedings, and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

In accordance with the Americans with Disabilities Act, persons needing special accommodation or an interpreter to participate in this proceeding should contact the District Clerk, at 305-451-4019 at least 3 days prior to the hearing.

**If you no longer own this property, or if you have changed your mailing address:** You must notify the Monroe County Property Appraiser's office at (305) 292-3420 or by mail at P.O. Box 1176, Key West, FL 33041.

**Payment Options:** Parcel owners have two options for paying the assessment:

- A. **Option to pay in full:** By paying the full Wastewater System Development Charge amount listed on the first page no later than August 31, 2014, the owner will fully satisfy all obligations pursuant to this assessment. Payment can be made in person at the KLWTD business office or by mailing payment to PO Box 491, Key Largo, FL 33037 (please include the Alternate Key # listed on the first page of this Notice).
- B. **Option to pay in installment payments:** If you choose not to pay the full Wastewater System Development Charge amount listed on the first page before the August 31, 2014, deadline, you will automatically be enrolled in the installment payment plan where the assessment will be paid in installments over 20 years.
1. The amount that will be included in your 2014 Monroe County Tax bill is: **\$484.43**
  2. The amount of each installment payment will be equal to 1/20<sup>th</sup> of the full wastewater System Development Charge plus interest and costs, which will vary from year to year. The interest rate is based on the District's borrowing rate which, for the 2013 assessment year, is 3.029%. In accordance with the state of Florida Uniform Assessment Collection ACT (FS Chapter 197.3632) the interest rate shall not exceed 8% unless the District first holds a public hearing to approve the rate.
  3. At any time during the 20 year period, you or the owner of record at that time may pay off the unpaid balance of the assessment. Pay off amounts are available from the District Assessment and Billing Department.

**THE DISTRICT IS REQUIRED BY LAW TO PROVIDE THE FOLLOWING INFORMATION:**

1. The total amount of the System Development Charge to be levied against each tax parcel varies according to the use of the tax parcel and is defined in the Final Assessment Resolution for the year in which the tax parcel was originally assessed. Copies of the Resolution(s) and supporting documents are available at 98880 Overseas Highway in Key Largo or on the web at [www.klwtd.com](http://www.klwtd.com).
2. The units of measurement used to calculate the assessment are "Dwelling Unit" and "Equivalent Dwelling Unit." A "Dwelling Unit" is defined as a single unit designated or intended for one-family occupancy (a household of one or more persons), including, but not limited to a detached single-family house, one-half duplex, an apartment, a residential condominium unit (whether in a single-unit or multiple-unit building), mobile home or recreational vehicle space not regulated under Chapter 513, F.S. An "Equivalent Dwelling Unit" (EDU) is defined as a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage.
3. Failure to pay either the System Development Charge described above or the annual assessment will cause a tax certificate to be issued against the property, which may result in a loss of title.

Please feel free to contact the District at 305-451-4019 if you have any questions about this letter.

**Margaret Blank**  
**General Manager**



# TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No. 2

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Discussion of On-Site Systems

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager *MB/ark*

Date: 8/1/2014

<b>Originating Department:</b> Commissioner	Costs:	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager <u><i>MB</i></u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Customer Service _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background:

Discussion of On-Site Systems as requested by Chairman Gibbs.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No.

3

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Meeting in November 2014 between BOCC and KLWTD at the Murry Nelson Government Center.


RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager



Date:

8/1/2014

<b>Originating Department:</b> Commissioner	Costs:	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Customer Service _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background:

Discussion of a meeting in November 2014 between BOCC and KLWTD as requested by Commissioner Tobin.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No.

4

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Authorize Rosasco to Prepare Funding Analysis Report


RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager



Date:

8/1/2014

<b>Originating Department:</b> Commissioner	Costs:	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Customer Service _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background:

Discussion regarding authorizing Rosasco to prepare a funding analysis report as requested by Commissioner Tobin.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No.

5

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Discussion of the General Manager Position

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

MB

Date:

8/1/2014

<b>Originating Department:</b> Commissioner	Costs:	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager <u>MB</u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Customer Service _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background:

Discussion of the General Manager position as requested by Commissioner Higgins.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# TAB 3

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No. 6

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ ACTION ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT: On-Site Chemical Generation Presentation**

**RECOMMENDED MOTION/ACTION: Discussion**

Approved by General Manager *Blank*

Date: 8/11/2014

<b>Originating Department:</b> Engineering	Costs: \$1.8 Million Funding Source: Mayfield Grant	<b>Attachments:</b> None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u><i>MB</i></u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Operations _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

**Summary Explanation/Background:**

Mr. Derek Lubie, President of Electrolytic Technologies Corporation will give a presentation on the On-Site Chemical Generation System.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# TAB 4



**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2013

Agenda Item No.

7

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ ACTION ITEM

☐ CONSENT AGENDA

☒ Other: Legal Counsel Report

SUBJECT: Update on KLWTD Low Income Charter Amendment


RECOMMENDED MOTION/ACTION: No action required.

Approved by General Manager



Date:

8/1/2014

<b>Originating Department:</b> Legal	Costs: \$  Funding Source:	<b>Attachments:</b> 1. Sample Ballot
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> [Operations] _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

**Summary Explanation/Background:**

The Legislature approved the Low Income Amendment to the KLWTD enabling legislation with the caveat that: "[It] take effect only upon its approval by a majority vote of those qualified electors of the Key Largo Wastewater Treatment District voting in a referendum to be held in accordance with the provisions of law relating to elections."

Attached are the sample ballots for the August 26<sup>th</sup> primary election which contain the referendum language.

**Resulting Board Action:**


☐ Approved

☐ Tabled

☐ Disapproved


☐ Recommendation Revised

**OFFICIAL PRIMARY BALLOT  
DEMOCRATIC PARTY  
MONROE COUNTY, FL  
AUGUST 26, 2014**

- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use only a blue or black marker or pen.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.


<b>GOVERNOR &amp; LT. GOVERNOR</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 1</b> (Vote for One)	<b>KEY LARGO WASTEWATER QUESTION</b> (Vote for One)
<input type="radio"/> Charlie Crist Not Yet Designated  <input type="radio"/> Nan H. Rich Not Yet Designated	<input type="radio"/> Bobby Highsmith <input type="radio"/> Stu Kessler <input type="radio"/> Warren Leamard	Shall the Key Largo Wastewater Treatment District be authorized and empowered to prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a disabled American veteran and meets the low income and other standards adopted by the board in accordance with the administrative procedures adopted by the board?  <input type="radio"/> YES <input type="radio"/> NO
<b>ATTORNEY GENERAL</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 4</b> (Vote for One)	
<input type="radio"/> George Sheldon <input type="radio"/> Perry E. Thurston	<input type="radio"/> Catherine Bosworth <input type="radio"/> John R. Dick	
<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 1</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 5</b> (Vote for One)	
<input type="radio"/> Donald C. Barrett <input type="radio"/> Mark Jones	<input type="radio"/> Richard Bradley <input type="radio"/> Dennis Caltagirone <input type="radio"/> Ronald A. Martin	
<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 4</b> (Vote for One)		
<input type="radio"/> Jack Bridges <input type="radio"/> Bonnie J. Helms <input type="radio"/> Tegan Slaton		

**OFFICIAL PRIMARY BALLOT  
NONPARTISAN  
MONROE COUNTY, FL  
AUGUST 26, 2014**

- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use only a blue or black marker or pen.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 1 (Vote for One)</b>	<b>SCHOOL BOARD MEMBER DIST. 5 (Vote for One)</b>
<input type="radio"/> Donald C. Barrett	<input type="radio"/> Richard Bradley
<input type="radio"/> Mark Jones	<input type="radio"/> Dennis Caltagirone
<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 4 (Vote for One)</b>	<input type="radio"/> Ronald A. Martin
<input type="radio"/> Jack Bridges	<b>KEY LARGO WASTEWATER QUESTION (Vote for One)</b>
<input type="radio"/> Bonnie J. Helms	Shall the Key Largo Wastewater Treatment District be authorized and empowered to prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a disabled American veteran and meets the low income and other standards adopted by the board in accordance with the administrative procedures adopted by the board?
<input type="radio"/> Tegan Slaton	<input type="radio"/> YES
<b>SCHOOL BOARD MEMBER DIST. 1 (Vote for One)</b>	<input type="radio"/> NO
<input type="radio"/> Bobby Highsmith	
<input type="radio"/> Stu Kessler	
<input type="radio"/> Warren Leamard	
<b>SCHOOL BOARD MEMBER DIST. 4 (Vote for One)</b>	
<input type="radio"/> Catherine Bosworth	
<input type="radio"/> John R. Dick	

**OFFICIAL PRIMARY BALLOT  
REPUBLICAN PARTY  
MONROE COUNTY, FL  
AUGUST 26, 2014**

- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use only a blue or black marker or pen.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

<b>REPRESENTATIVE IN CONGRESS, DIST. 26</b> (Vote for One)	<b>MOSQUITO CONTROL BOARD DIST. 5</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 4</b> (Vote for One)
<input type="radio"/> Carlos Curbelo <input type="radio"/> Ed MacDougall <input type="radio"/> Joe A. Martinez <input type="radio"/> David Rivera <input type="radio"/> Lorenzo Palomares Starbuck	<input type="radio"/> Eddie Martinez <input type="radio"/> Tom McDonald	<input type="radio"/> Catherine Bosworth <input type="radio"/> John R. Dick
	<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 1</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 5</b> (Vote for One)
<b>GOVERNOR &amp; LT. GOVERNOR</b> (Vote for One)	<input type="radio"/> Donald C. Barrett <input type="radio"/> Mark Jones	<input type="radio"/> Richard Bradley <input type="radio"/> Dennis Caltagirone <input type="radio"/> Ronald A. Martin
<input type="radio"/> Yinka Abosede Adeshina Not Yet Designated  <input type="radio"/> Elizabeth Cuevas-Neunder Not Yet Designated  <input type="radio"/> Rick Scott Not Yet Designated	<b>CIRCUIT JUDGE 16TH JUDICIAL CIRCUIT, GROUP 4</b> (Vote for One)	<b>KEY LARGO WASTEWATER QUESTION</b> (Vote for One)  Shall the Key Largo Wastewater Treatment District be authorized and empowered to prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a disabled American veteran and meets the low income and other standards adopted by the board in accordance with the administrative procedures adopted by the board?  <input type="radio"/> YES <input type="radio"/> NO
	<input type="radio"/> Jack Bridges <input type="radio"/> Bonnie J. Helms <input type="radio"/> Tegan Slaton	
<b>COUNTY COMMISSIONER DIST. 2</b> (Vote for One)	<b>SCHOOL BOARD MEMBER DIST. 1</b> (Vote for One)	
<input type="radio"/> Danny Coll <input type="radio"/> George Neugent	<input type="radio"/> Bobby Highsmith <input type="radio"/> Stu Kessler <input type="radio"/> Warren Leamard	

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No. 8

☐ PUBLIC HEARING

☒ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ ACTION ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT:** Resolution No. 21-08-14 Amending Section 10.06(1)(i)3)a)vi) of the KLWTD General Rules and Regulations.

**RECOMMENDED MOTION/ACTION:** Approval of Resolution

**Approved by General Manager** MB

**Date:** 8/11/2014

<b>Originating Department:</b> Legal	Costs: \$  Funding Source:	<b>Attachments:</b> 1. Proposed Resolution 2. Excerpt from Rules and Regulations for reference
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>MB</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering____ <input type="checkbox"/> Clerk____ <input type="checkbox"/> Operations____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

**Summary Explanation/Background:**

At the BOC meeting on July 15, 2014, the Board directed District Counsel to amend the Districts' Rules and Regulations to provide that, in cases where a customer has installed an irrigation or fire meter, any adjustment or credit for wastewater base charges should be retroactive to the date of the installation of the meter or 24 months, whichever period is shorter.

**Resulting Board Action:**

Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**RESOLUTION NO. 21-08-14**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE KEY LARGO WASTEWATER TREATMENT  
DISTRICT, AMENDING SECTION 10.06(1)(i)3a)vi) OF THE  
KEY LARGO WASTEWATER TREATMENT DISTRICT,  
GENERAL RULES AND REGULATIONS, AS AMENDED  
JUNE 18, 2013; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 18, 2013, the Key Largo Wastewater Treatment District ("District") adopted Resolution No. 20-08-14 amending the District's, GENERAL RULES AND REGULATIONS; and

**WHEREAS**, the said Amended GENERAL RULES AND REGULATIONS ("Rules and Regulations") provide at Section 10.06(1)(i)3a)vi) that customers who have installed an irrigation or fire meter are entitled to a calculated partial credit for Wastewater base charges for a maximum of twelve (12) months; and

**WHEREAS**, the District desires to amend the provisions of Rules and Regulations Section 10.06(1)(i)3a)vi) to extend and enlarge the refund credit period for customers who have installed an irrigation or fire meter; and

**WHEREAS**, the District has sought and carefully considered advice from District staff, the public, and consultants regarding the benefits and anticipated costs of extending and enlarging said refund period; and

**WHEREAS**, the District has decided that it would be in the best interests of the District and the customers of the District to extend and enlarge the refund period for the credit for wastewater base charges for customers who have installed an irrigation or fire meter back to the date of the installation of the irrigation or fire meter, with a maximum refund period of twenty-four (24) months.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:**

**SECTION 1:** Section "10.06" [Adjustment of Fees and Charges]; subsection "(1)" [Adjustment of fees and charges for Wastewater Service]; subsection "(i)" [Monthly Base Charges]; subsection "3)" "a)" "vi)" of the KEY LARGO WASTEWATER TREATMENT DISTRICT, GENERAL RULES AND REGULATIONS, as amended June 18, 2013, which currently provides:

**vi) Should the final determination of the Board be to approve such request, the Customer is entitled to a calculated partial credit for Wastewater base charges for the twelve (12) month period listed in item (iii) above:**

Shall be and is hereby amended to read:

vi) Should the final determination of the Board be to approve such request, the Customer shall be entitled to a calculated partial credit for Wastewater base charges for the shorter of: [1] the period beginning on the date of the installation of the irrigation or fire meter or [2] the twenty-four (24) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.

**EFFECTIVE DATE.** This Resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 5TH DAY OF AUGUST, 2014

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its approval. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote the result was as follows:

	AYE	NAY
Chairman Stephen Gibbs	_____	_____
Commissioner Andrew Tobin	_____	_____
Commissioner Norman Higgins	_____	_____
Commissioner David Asdourian	_____	_____
Commissioner Robert Majeska	_____	_____

The Chairman thereupon declared Resolution No. 21-08-14 duly passed and adopted the 5th day of August, 2014.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: \_\_\_\_\_  
Chairman Stephen Gibbs

ATTEST: Approved as to form and legal sufficiency:

_____	_____
Melissa Cornelison, Deputy Clerk	General Counsel, Ray Giglio

SEAL



- (6) Notwithstanding any other provision of these rules, when Wastewater Service is subject to discontinuance (disconnection) or has been discontinued due to account delinquency, the District may restore such Service prior to payment of all amounts due, provided the Customer has entered into a negotiated payment agreement.
- (7) Failure to pay amounts due the District within the time designated for payment will result in the District exercising all reasonable business efforts to collect such unpaid amount, including delinquent fees, interest, attorney fees and filing charges.

#### Section 10.06 Adjustment of Fees and Charges<sup>++++</sup>

- (1) **Adjustment of fees and charges for wastewater service:** It is the policy of the District to permit Customers to question and seek adjustments to certain types of charges, as follows:

##### (i) **Monthly Base Charges.**

- 1) *If a Customer occupying a portion of a Tax Parcel believes that their water usages should be recalculated due to one of the following conditions, the Customer may request an adjustment according to the provisions of this section:*
  - a) **CHANGE OF BUSINESS USE:** If, as a result of a change of business occupation, the use of a portion of a particular Tax Parcel shall change, upon the Customer's request, the District will recalculate the EDU assignment for that Customer by applying the new classification that describes the new use of the portion of that Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
  - b) **CHANGE OF DWELLING USE:** If, as a result of a lawful conversion of a portion of a particular Mixed-Use Tax Parcel from a non-residential unit to a Dwelling Unit or from a Dwelling Unit to a non-residential unit, the Customer requests a review by the District, the District will recalculate the EDU Assignment for the portion of the entire Tax Parcel applicable to the Customer's request. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
  - c) **PATTERN OF USAGE CHANGE:** If the Customer believes that the long-term pattern of actual water consumption is greater or less than the billed water use, the Customer may request that the District review and if appropriate, adjust the EDU assignment for that portion of the particular Tax Parcel applicable to the Customer's request. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
- 2) *If a Customer is the sole occupant of a Tax Parcel for which the non-ad valorem Assessment changes due to a Customer or District initiated request for review pursuant to the applicable assessment resolution pertaining to that parcel, the monthly base charge for the Customer will be adjusted prospectively to reflect that recalculation.*

<sup>++++</sup> Section 10.06 Amended by resolution 20-06-13 on 6/18/2013 and supersedes resolution 16-10-10



- 3) *If such a change is incidental to the installation of an irrigation or fire meter, the Customer shall be entitled to a credit to their FKAA bill as follows and under the following conditions:*
- a) The Customer must request a credit in writing to the District Assessment Coordinator no earlier than twelve (12) months after such irrigation or fire meter is installed. In addition to the provisions of Section 10.06(2) below, included with such request must be:
- i) Proof of installation of the irrigation or fire meter.
  - ii) Proof that FKAA has approved the installation of the irrigation or fire meter and has adjusted your FKAA water bill to reflect the same.
  - iii) The twelve (12) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.
  - iv) An EDU assignment will be recalculated based upon the methodology in the latest applicable assessment resolution associated with the Tax Parcel using the twelve (12) months of adjusted data listed in item (iii) above.
  - v) The procedures from Section 10.06(2)(iv) and 10.06(2)(v) below shall govern the request.
  - vi) Should the final determination of the Board be to approve such request, the Customer is entitled to a calculated partial credit for wastewater base charges for the twelve (12) month period listed in item (iii) above:
  - vii) Such credit shall be calculated by applying the number of EDUs calculated on the updated water flow to the period calculated in paragraph (iii) above and deducting that from the actually base charge billing for the same period. Only months where a wastewater base charge was billed shall be eligible for a partial credit.
- b) If the Board approves the Customer's request, the Customer's account will be automatically reviewed annually for the two years following the request using twenty four and thirty six months of data respectively. The EDU assignment shall be adjusted through the procedures outlined in Section 10.06(2)(iv) and 10.06(2)(v) below based upon those subsequent reviews. The Customer shall NOT be entitled to further credits (or back charges) based on those reviews.
- c) Should it be determined that a Customer is using an irrigation or fire meter specifically to avoid wastewater charges by using such meters to provide potable water services which may be introduced into the wastewater system:
- i) The Customer's account will be automatically reviewed based upon water usage of all meters, including those being improperly used for potable water.
  - ii) The billing will be adjusted from the time of original appeal forward and the customer shall be responsible for the adjust increase billing retroactively.
  - iii) District Staff will notify FKAA of such findings and the Customer may face further fees or penalties as are levied by FKAA.
  - iv) Such a violation is considered by the District as "Tampering" and shall be subject to additional fees and actions as outlined in Section 9.05 above.

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No. 9

☐ PUBLIC HEARING

☒ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT: Resolution 20-08-14 adopting Article X of the KLWTD Rules and Regulations governing System Development Charges, Assessments and System Impact Charge and retiring Resolution 06-03-13 governing waivers for conservation parcels.**

**RECOMMENDED MOTION/ACTION: Approval of Staff Recommendation**

**Approved by General Manager** MB/ab

**Date:** 8/1/2014

<b>Originating Department:</b>  Customer Service	<b>Costs:</b>	<b>Attachments:</b> 1. Resolution 20-08-14 (Subject Resolution) a. Article X b. Definition and Construction Terms c. Table of Contents 2. Resolution 06-03-13 (retiring) 3. Assessment Modification Procedures Matrix (as approved by the Board)
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>[Signature]</u> <input checked="" type="checkbox"/> Customer Service <u>[Signature]</u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Finance _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

**Summary Explanation/Background:**

The attached Resolution 20-08-14 is submitted for review and discussion.

Policies and procedures outlined in Resolutions 06-03-13 and 25-08-13 are incorporated in Articles X & XIII of the KLWTD Rules and Regulations.

- Resolution 06-03-13 waives the assessments on parcels purchased by Monroe County that are being used for conservation.
- Resolution 25-08-13 is the 2013 Final Assessment Resolution.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**RESOLUTION NUMBER 20-08-14**

**A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE KEY LARGO WASTEWATER TREATMENT DISTRICT RULES AND REGULATIONS AND RETIRING RESOLUTION NO. 06-03-13 REGARDING TAX PARCELS PURCHASED BY MONROE COUNTY FOR CONSERVATION PURPOSES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on March 19, 2013, the District adopted Resolution No. 06-03-13 establishing procedures for approving assessment waivers for tax parcels purchased by Monroe County for conservation purposes; and

WHEREAS, the District has adopted the Key Largo Wastewater Treatment District General Rules and Regulations (“KLWTD Rules and Regulations”) and last amended on June 18, 2013; and

WHEREAS, the District has decided that it now be proper that the methodology for assessment waivers for such parcels and the provisions for the review and adjustment of such waivers be adopted permanently as part of the Key Largo Wastewater Treatment District General Rules and Regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, THAT:**

**SECTION 1:** Article X “Direct Billing and Payment for Service” of the KLWTD Rules and Regulations, is moved to Article XI in its entirety.

**SECTION 2:** Article X “System Development Charges, Assessments and System Impact Charges” be added per Attachment 1 of this Resolution, which shall incorporate the removed provisions of Resolution 25-08-13 “2013 Final Assessment Resolution” and Resolution 06-03-13 regarding tax parcels purchased by Monroe County for conservation.

**SECTION 3:** Article XIII “Definitions and Construction of Terms” of the KLWTD Rules and Regulations, be amended per Attachment 2 of this Resolution.

**SECTION 4:** The table of contents of the KLWTD Rules and Regulations be amended to reflect all such changes amended by this Resolution per Attachment 3 of this Resolution.

**SECTION 5:** The Key Largo Wastewater Treatment District Resolution No 06-03-13 regarding tax parcels purchased by Monroe County for conservation dated March 19, 2013 be hereby retired effective immediately.

**EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the District.

The foregoing RESOLUTION was offered by Commissioner \_\_\_\_\_, who moved its approval. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote the result was as follows:

	AYE	NAY
Chairman Stephen Gibbs	_____	_____
Commissioner David Asdourian	_____	_____
Commissioner Norman Higgins	_____	_____
Commissioner Robert Majeska	_____	_____
Commissioner Andrew Tobin	_____	_____

The Chairman thereupon declared Resolution No. 20-08-14 duly passed and adopted the 5th day of August, 2014.

**KEY LARGO WASTEWATER TREATMENT DISTRICT**

BY: \_\_\_\_\_  
Chair Stephen Gibbs

ATTEST: Approved to as to form and legal sufficiency

_____	_____
Melissa Cornelison, Deputy Clerk	Raymond Giglio, District Counsel

SEAL

## Article X. System Development Charges, Assessments and System Impact Charges

### Section 10.01 System Development Charge and System Impact Charge.

The System Development Charge ("SDC") is the initial charge to each Tax Parcel representing a portion of the Capital Costs related to the construction of the District's Wastewater Management Facilities.

- (a) The SDC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.
- (b) Upon adoption of the Final Assessment Resolution, the SDC (also known as the Initial Prepayment Amount) for each Tax Parcel will become due. The SDC is dependent upon the EDU assignment, if applicable, as calculated in (c) below and the Tax Parcel's classification as follows:
  - (i) **Residential Tax Parcels.** For residential Wastewater Service, the SDC is the sum of:
    - 1) A Wastewater treatment plant capacity fee per Dwelling Unit, plus
    - 2) A Force Main pipe capacity fee per Dwelling Unit, plus
    - 3) A connection fee for connection to the Wastewater System.
  - (ii) **Non-Residential Tax Parcels.** For non-residential Wastewater Service, the SDC is the sum of:
    - 1) A Wastewater treatment plant capacity fee per EDU, plus
    - 2) A Force Main pipe capacity fee per EDU, plus
    - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the Wastewater System.
  - (iii) **Laundromats.** For purposes of calculating SDC's, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.
  - (iv) **Mixed-Use Tax Parcels.** For mixed-use Wastewater Service, the SDC is the sum of:
    - 1) A Wastewater treatment plant capacity fee per EDU, plus
    - 2) A Force Main pipe capacity fee per EDU, plus
    - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the Wastewater System.
    - 4) For purposes of calculating EDU's, a Mixed-Use Tax Parcel shall be assigned at least one EDU for each Dwelling Unit plus at least one EDU. If the number of EDU's calculated on the basis of flow is greater than the number of Dwelling Units plus one, the Mixed-Use Tax Parcel shall be assigned the greater number of EDU's.
  - (v) **Unique Residential Parcel.** For a Unique Residential Parcel, the SDC is the sum of:
    - 1) A Wastewater treatment plant capacity fee per Dwelling Unit, plus
    - 2) A Force Main pipe capacity fee per Dwelling Unit, plus
    - 3) A connection fee per required grinder pump system, plus
    - 4) A low pressure equipment fee per required grinder pump system.

- (vi) **Vacant Parcel.** The initial SDC for a Vacant Parcel will be the same as the SDC for a Residential Tax Parcel improved with one Dwelling Unit. Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.
- (vii) **Vacant Single-Family, Unique Residential Parcel.** The initial SDC for a Vacant Single-Family, Unique Residential Parcel will be the same as the SDC for a Vacant Parcel as stated in Section 10.01(b)(vi). Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.
- (c) The **System Impact Charge ("SIC")** is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the District's Wastewater Facilities. The SIC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.
  - (i) **Effective Date of System Impact Charge.** The Effective date of a System Impact Charge will be the earlier of:
    - 1) The date the owner of a particular Tax Parcel requests review of a Tax Parcel whereby such review shall cause a System Impact Charge to accrue or,
    - 2) The date that an Exclusion shall be removed in accordance with Section 10.04(f) below.
  - (ii) The SIC includes the calculations listed in Section 10.01(b) above plus any additional direct or indirect fees incurred by the District to extend service to the Tax Parcel.
  - (iii) System Impact Charges are due in full at the time of imposition by the Board.
- (d) For the purpose of calculating the System Development Charge or System Impact Charge, the Wastewater Treatment Plant capacity fee, Force Main pipe capacity fee, connection fee and, if applicable, low pressure equipment fee published in the latest Final Assessment Resolution before the effective date of the applicable charge shall be used.

## **Section 10.02          Calculation of EDUs for Improved Non-Residential, or Mixed-Use Tax Parcels.**

For purposes of calculating EDU's for an improved Non-Residential Tax Parcel, or Mixed Use Tax Parcel, the District will:

- (a) Review the available metered water consumption (in gallons) for each Qualified Water Meter attributable to a particular Tax Parcel during the thirty-six (36) consecutive months immediately prior to the year in which the calculation is made. The calculation shall include only those Qualified Water Meters that are not assigned specifically to a Dwelling Unit or a Laundromat.
- (i) To account for unusually high readings, the District may, at the District's discretion for the purposes of calculation, adjust any particular monthly reading that exceeds three times the standard deviation plus the mean of the data to a number equal to the mean of all readings in the evaluation period.
- (ii) If an owner of a Tax Parcel shall submit to the District sufficient proof that a particular reading is unusually high due to a leak, the District may, at the District's sole discretion, replace that particular reading with a number equal to the mean of the remaining readings. Such replacement is limited to one reading per twelve (12) contiguous months of data.
- (iii) If the Owner of a particular Tax Parcel requests the re-calculation of EDU assignment in accordance with Section 10.08 for the reason stated in Section 10.08(c)(iii)5) thereof, the District will base the calculation on the twelve (12) consecutive months beginning with the monthly reading immediately following the installation of the Irrigation Meter.

- (b) Identify the highest three (3) consecutive months in the calculation period defined in Paragraph (a) above using the adjusted reading if applicable and calculate their average.
- (c) Divide the resulting average in Paragraph (b) above by 5,010, and round the quotient up to the next one-tenth.
- (d) If the Tax Parcel contains Dwelling Units, add 1 EDU for each Dwelling Unit on the Tax Parcel to the result of Paragraph (c) above.
- (e) If the Tax Parcel contains a Laundromat, add 1 EDU for each Laundromat on the Tax Parcel together with the result of Paragraph (c) and the number of EDUs calculated in Paragraph (d) above.
- (f) If more than one Qualified Water Meter is attributable to a particular Tax Parcel, the EDU assignment for each meter, calculated by using methods described in Paragraph (a) – (e) above, will be added together to calculate the EDU assignment for the Parcel.
- (g) In no case will the number of EDU's assigned to the parcel be less than 1.0.
- (h) If there is no data for water consumption by a Tax Parcel, the District will use a reasonable method to estimate the projected water use for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.

### **Section 10.03          Assessments Imposed Against Government Property.**

- (a) If Assessments are imposed against Government Property, the District shall first attempt to collect the Assessments following the procedures in the Uniform Assessment Collection Act.
- (b) If the owner of a Tax Parcel does not remit the Assessment to the Monroe County Tax Collector, the District shall provide Assessment bills by first class mail to the Owner of each affected parcel of Government Property. The bill will be accompanied by a copy of the written notice sent to the Owner as prepared according to the Uniform Assessment Collection Act, and a demand for payment.
- (c) Assessments imposed against Governmental Property shall be due on the same date as Assessments against other Tax Parcels within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.
- (d) An Assessment on Government Property shall become delinquent if it is not paid within thirty (30) Days from the due date. The District shall notify the Owner of any Government Property that is delinquent in payment of its Assessment within sixty 60 Days from the date such Assessment was due. Such notice shall state in effect that the District will initiate a mandamus or other appropriate judicial action to compel payment.
- (e) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent Owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for reasonable costs and expenses incurred by the District, including reasonable legal fees, in collection of such delinquent Assessments and any other costs incurred by the District as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

### **Section 10.04          Excluded Parcels – General Provisions**

- (a) The Owner of any Tax Parcel listed on an Assessment Roll may request that the Tax Parcel be excluded from the Assessment Roll using the procedures outlined in Section 10.08 below.

- (b) The District will consider, as grounds for exclusion of a Tax Parcel, any facts that show the Tax Parcel to be an Excluded Parcel as defined under one or more of the provisions in Section 10.05 or Section 10.06 below.
- (c) To be considered, the parcel may not contain a structure or facility capable of creating Wastewater that will enter the District's Wastewater Facilities.
- (d) The owners must certify that if they later desire wastewater service to the Tax Parcel or should the Tax Parcel, they agree to pay the full direct and indirect District costs of providing the same.
- (e) If the District agrees that the Tax Parcel should be excluded from the Assessment Roll as a Waived Parcel, the Tax Parcel shall be excluded from the Assessment Roll if all of the Owners duly execute a recordable instrument acknowledging that the Owners are waiving any obligation of the District to provide Wastewater Service to the Tax Parcel.
- (f) Removal of Exclusion:
  - (i) Subsequent to exclusion, should an Excluded Parcel contain a structure or facility capable of creating Wastewater that will enter the District's Wastewater facilities, the Exclusion shall become null and void and be subject to a System Impact Charge (SIC) calculated in accordance with Section 10.01(c) above.
  - (ii) If the District, in its sole discretion, later provides Wastewater Service to the Tax Parcel at the then-current Owner's request, the District shall remove the exclusion and the then-current Owner shall be subject to a System Impact Charge (SIC) calculated in accordance with Section 10.01(c) above.

## **Section 10.05      Excluded Parcels – Exemptions**

In a case where the District has determined, in its sole discretion, that Wastewater Facilities shall not be provided to a parcel, such parcel shall be classified as "Exempt" and will not be subject to a System Development Charge. Parcels must meet one or more of the following criteria:

- (a) The Tax Parcel has been aggregated with one or more other adjoining Tax Parcel as recorded with the Monroe County Property Appraiser's office, and the aggregated parcels will receive Wastewater Service as a single aggregated property.
  - (i) In such case, the deleted Tax Parcel shall not be subject to a System Development Charge.
  - (ii) The portion of System Development Charge paid to date on the deleted Tax Parcel shall be credited to the surviving Tax Parcel.
  - (iii) Should such credit exceed the existing balance of the surviving Tax Parcel, the excess may be refunded under the provisions of Section 10.16 below.
- (b) The Tax Parcel is recognized by the Monroe County Property Appraiser as a "Marina" by definition of the assigned PC Code and is being used only as a boat slip, dock or rackomimum.
- (c) The Tax Parcel cannot be improved consistent with existing zoning regulations or other legal constraints.
- (d) The Tax Parcel cannot be improved due to physical conditions of the property that preclude improvement.
- (e) The District has determined that, for reasons not otherwise specified in this Section and consistent with Federal, State and local regulations, the Tax Parcel shall not be provided with a connection.



## **Section 10.06 Excluded Parcels – Waivers**

- (a) Under certain circumstances, the owner of a particular Tax Parcel subject to Assessment of a System Development Charge may waive their right to receive wastewater service and request the District suspend collection of the SDC and all future Non-Ad Valorem Assessments on the excluded Tax Parcels under one of the following designations.
  - (i) **A Contiguous Vacant Parcel** is defined as a Vacant Parcel immediately adjacent to a Tax Parcel served by the District and connected to the District's central Wastewater Collections System.
    - 1) Owners of Contiguous Vacant Parcels may request a waiver provided that:
      - a) the use of the contiguous tax parcel is subsidiary to the use of the assessed parcel and
      - b) that the parcel(s) subject to the waiver will not be improved with structures or facilities that might generate wastewater that will enter the District's wastewater facilities.
    - 2) For purposes of this subsection, a contiguous tax parcel may be separated by a street or right-of-way from the assessed tax parcel.
    - 3) Owners of the assessed tax parcel may request waivers for more than one parcel provided the additional parcels are contiguous to the original parcel or another waived parcel included in the request.
    - 4) The portion of System Development Charge paid to date on the excluded Tax Parcel(s) shall be credited to the served Tax Parcel.
    - 5) Should such credit exceed the existing balance of the served Tax Parcel, the excess may be refunded under the provisions of Section 10.16 below.
    - 6) Requests for waivers must adhere to the time provisions and procedures set forth in Section 10.08 below to be considered.
  - (ii) **Tier I (One) Vacant Parcel.**
    - 1) Owners of Vacant Parcels designated as Tier I may apply for a waiver provided that:
      - a) The Tax Parcel is a Vacant Parcel and,
      - b) The Tax Parcel is classified as "Tier I" by the Monroe County Division of Growth Management.
    - 2) Upon application by the Owner(s) and verification of Tier I Vacant Status, the District shall remove any unpaid current Non-Ad Valorem Assessments and remove the Tax Parcel from all future Non-Ad Valorem Assessment Rolls.
    - 3) System Development Charges and non-ad valorem Wastewater Assessments paid prior to the effective date of the exclusion for Tier I Parcels shall not be refunded.
  - (iii) **Conservation Parcel.** If a vacant Tax Parcel is being conveyed to the Monroe County Land Authority or any other Federal, State or local agency for the purpose of protecting the natural environment, providing public access, preserving wildlife habitat areas, or providing access to management of acquired lands under the provisions of Chapter 380, F.S. and/or Monroe County Code section 2-397, the Owner(s) may request the District exclude the Tax Parcel and waive all future Assessments of the SDC, for that Tax Parcel.
    - 1) In the event that the Tax Parcel has unpaid KLWTD Assessments, the District shall waive all such Assessments and redeem any District related charges pertaining to any tax certificates on such Tax Parcel to facilitate the Parcel conveyance.

- 2) All such Conservation Parcels purchased by any Governmental Entity for conservation purposes shall hereafter be exempted from the Key Largo Wastewater Treatment District's System Development Charge, provided that the Governmental Entity has submitted to the District documentation showing that:
  - a) the Conservation Parcel has been purchased by the Governmental Entity for conservation purposes, and
  - b) the Conservation Parcel is not capable of being improved with facilities that will generate wastewater.
- 3) System Development Charges and non-ad valorem Wastewater Assessments paid prior to the effective date of the exclusion for Conservation Parcels shall not be refunded.
- (iv) **Minimum Tax Bill.** If a particular Tax Parcel, by virtue of any Resolution duly passed by the Board of County Commissioners of Monroe County under the provisions of Section 197.212 F.S. (Minimum Tax Bill) shall not otherwise receive an annual tax notice, the District, at the District's sole discretion, shall exclude the Tax Parcel from the Assessment Roll.
  - 1) Should a Tax Parcel be so designated, all Non-Ad Valorem wastewater Assessments and any fees associated with any tax certificates issued incidental to the collection of any Non-Ad Valorem Wastewater Assessments shall be credited to the Tax Parcel.
  - 2) Prior to removing a Tax Parcel from the Assessment Roll under this provision, the District shall notify the Parcel Owner by first class mail to the address listed on the Tax Bill thirty (30) Days prior to the date the Tax Parcel is to be reviewed by the Board of Commissioner for removal.
  - 3) Should the owner of a Tax Parcel receiving such notice wish NOT to be excluded, they may notify the District in writing and such removal proceedings will cease.
- (b) The owners must certify that if they later desire wastewater service to the parcel, they agree to pay the full direct and indirect District costs of providing the same.

#### **Section 10.07          Subdivided and Combined Tax Parcels.**

- (a) If any Tax Parcel shown on the Assessment Roll is subdivided after the date of the Final Assessment Resolution:
  - (i) The newly designated Tax Parcel shall be subject to the provisions of the Final Assessment Resolution applicable to the parent Tax Parcel.
  - (ii) The newly designated Tax Parcel shall be subject to an SDC in accordance with Section 10.01 with the exception of Section 10.01(d).
  - (iii) For the purpose of calculating the SDC, the Wastewater Treatment Plant capacity fee, Force Main pipe capacity fee, connection fee and, if applicable, low pressure equipment fee published in the Final Assessment Resolution applicable to the parent Tax Parcel shall be used.
  - (iv) The SDC may be paid using the Initial Prepayment Option in accordance with Section 10.11 below or the Annual Assessment payment program under the provisions of Section 10.12 below. In the event that the Annual Assessment payment program is used, the number of payments shall not exceed the number of payments remaining on the parent Tax Parcel's Annual Assessment payment program.
  - (v) If the effective date of subdivision of the parent Tax Parcel is more than twenty (20) years after the effective date of the Final Assessment Resolution applicable to that Tax Parcel, the resulting SDC

shall be calculated as an SIC in accordance with Section 10.01(c) above and shall be due in full at the time such SIC is effective.

- (b) If any two or more previously assessed, contiguous Tax Parcels are combined through the Monroe County Property Appraiser, the provisions of Section 10.05(a) shall apply.

#### **Section 10.08        Conditions and Procedures for Requesting a Review of the Initial Prepayment Amount / System Development Charge.**

- (a) The calculation of an SDC for a Tax Parcel is made on the basis of the state of development of the Tax Parcel known to exist at the time of calculation of the SDC, using one of the applicable Tax Parcel classifications in Section 10.01(b) above.
- (b) Owners of a particular Tax Parcel who believe that their Tax Parcel was erroneously assessed, the Initial Prepayment Amount was erroneously calculated or the circumstances pertaining to the state of the Tax Parcel have changed (warranting a review) may request a review under the provisions of this Section.
- (c) Conditions for Request - The Owner of a Tax Parcel may request a review for one or more of the following reasons:
  - (i) They believe that their Tax Parcel was erroneously assessed.
  - (ii) They believe that the Initial Prepayment Amount for their Tax Parcel was not accurately computed.
  - (iii) They believe that their usage has changed because of one or more of the following reasons:
    - 1) **Change of Land Use.** If, as a result of the change in use of a particular Tax Parcel, the land use classification applicable to that Tax Parcel under Section 10.10 will or has already changed, the District will recalculate the SDC for that Tax Parcel by applying the land use classification that describes the new use of the Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
    - 2) **Change of Business Use.** If, as a result of the change of business occupation, the use of a particular Tax Parcel or portion of a particular Tax Parcel shall change, the District will recalculate the SDC for that entire Tax Parcel by applying the new classification that describes the new use of the Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
    - 3) **Change of Dwelling Use.** If, as a result of a lawful conversion of a portion of a particular Mixed-Use Tax Parcel from a non-residential unit to a Dwelling Unit or from a Dwelling Unit to a non-residential unit, the District will recalculate the SDC for that entire Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
    - 4) **Pattern of Usage Change.** If the long-term pattern of actual water consumption is shown to be greater or less than the projected water use, the District may, at the request of the Owner of the Tax Parcel, or at the District's own instance, adjust the SDC for that Tax Parcel based on the long-term pattern of actual water consumption.

- 5) **Installation of Irrigation Meter.** If the Owner of a Tax Parcel believes that a significant portion of the water usage on which the District is calculating the EDU assignment for that Tax Parcel is used for purposes that do not burden District's Wastewater Facilities, the Owner may apply to FCAA for the installation of a separate Irrigation Meter on the property.
- (d) Time for Request.
- (i) The Owner of a Contiguous Vacant Tax Parcel who desires the Parcel be designated as an **Excluded Parcel** under the provisions of Section 10.06(a)(i) above must request this review before the later of September 30, 2014 or September 30 of the fifth (5<sup>th</sup>) year following the initial Assessment.
  - (ii) The Owner of a Non-Residential Parcel who desires the Parcel be reviewed for one of the reasons stated in Section 10.08(c)(iii) above must request this review before the later of September 30, 2014 or September 30 of the third (3<sup>rd</sup>) year following the initial Assessment.
  - (iii) All other requests submitted pursuant to this Section must be submitted no later than the last Business Day before August 31 of the year in which the annual Non-Ad Valorem Assessment Roll is submitted.
  - (iv) Requests submitted after September 1 will be considered requests for the next Tax year and shall have no impact on the current year's Non-Ad Valorem Assessment Roll.
  - (v) All recalculations resulting from requests submitted and reviewed under the provisions of this Section shall have an immediate impact on the EDU assignment of the Tax Parcel for the purposes of monthly billing upon being regularly approved by the Board of Commissioners.
  - (vi) A mailed request for review shall be considered timely if it is postmarked on or before the last Day allowed for review.
  - (vii) The District will review and, if appropriate, recalculate the SDC for a Tax Parcel upon:
    - 1) receipt of a request for review submitted in accordance with Paragraph d of this Section,
    - 2) when the District becomes aware that the use of the Tax Parcel will change in a way that may tend to increase or decrease the demand on the District Wastewater Facilities,
    - 3) subsequent to previous adjustments which have been duly approved by the Board, the Initial Prepayment Amount will be automatically reviewed annually for the two years following the initial review using twenty-four (24) and thirty-six months (36) of data respectively or
    - 4) at the District's own instance.
  - (viii) If the adjustment to the SDC for a Tax Parcel results in an increase in the Annual Assessment, the District will hold a public hearing prior to making the adjustment as required by the Uniform Assessment Collection Act.
- (e) Contents of Request. A request for review must contain:
- (i) a concise statement of the facts upon which the Owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate;
  - (ii) the rules, statutes, and other legal authority that the Owner contends form the basis for relief requested;
  - (iii) a demand for the relief which the Owner believes is appropriate; and

- (iv) for request of waivers for Contiguous Vacant Parcels (under the provisions of Section 10.06(a)(i) above) or Tier I Vacant Parcels (under the provisions of Section 10.06(a)(ii) above), payment in the amount of two hundred dollars (\$200); and
- (v) such other information that the Owner believes to be material to the request for review.
- (f) Procedure for filing request.
  - (i) The request for review must be delivered or mailed to the District in writing.
  - (ii) The District's Assessment Coordinator will review the request for relief and exercise due diligence to issue a recommended decision to the Board within fourteen (14) Business Days after receipt of a completed request for review.
    - 1) Prior to issuing the recommended decision, the Assessment Coordinator may conduct one or more informal discussions with the Owner, and may request additional information and documentation.
    - 2) If requested by the Owner, the Assessment Coordinator may extend the time for issuance of a recommended decision in order to consider additional information and documentation.
    - 3) The District Clerk or designee will mail the recommended decision to the Owner and deliver a copy of the recommended decision to the Board.
  - (iii) Board Review.
    - 1) Upon issuance of the recommended decision, the District Clerk will place the recommended decision on the Board agenda for a meeting not less than thirty (30) Days after issuance of the recommended decision.
    - 2) Within fifteen (15) Days after mailing of the recommended decision, the Owner may request that the Board hold a public hearing on the request for review, specifying any disputed facts that the Owner considers to be material to the decision.
    - 3) At the meeting at which the Board is scheduled to consider the request for review, the Board may decide to accept or modify the recommended decision, or, if the Board concludes that there are disputed issues of material fact, the Board may schedule a public hearing on the request for review.
    - 4) The Board's decision to accept or modify the recommended decision, or the Board's decision on the request for review after a public hearing, shall be the final District action on the request for review.
- (iv) Effective Date: Any adjustments to the EDU assignment incidental to the decision of the Board shall be effective on the later of either
  - 1) the date of the Board Review as listed in Section 10.08(f)(iii) above or
  - 2) the date of any Public Hearing resulting from such review.
- (v) Any adjustment to the Initial Prepayment Amount incidental to the decision of the Board shall be applied to the next Annual Tax Roll after the later of (a) the Board Review or (b) the Public Hearing if such review or hearing was completed on or before August 31 or on the following year's Annual Tax Roll if completed after August 31.
- (vi) Should the adjustment to the Initial Prepayment Amount be an increase and such increase is effective later than twenty (20) years after the date of Initial Assessment, the amount equal to the increase of the Initial Prepayment Amount shall be due in full immediately upon the effective date.

### **Section 10.09      Imposition of Assessments.**

- (a) Assessments shall be imposed for each Fiscal Year in which any portion of the Adjusted Prepayment Amount remains outstanding, the amount of which shall be computed in accordance with Section 10.13(e) below.
- (b) Upon the adoption of the Final Assessment Resolution for each Fiscal Year, Assessments to be collected by means of the Uniform Assessment Collection Act shall constitute a lien upon the assessed parcels, equal in rank and dignity with the liens of all State, County, district, or municipal taxes and other Non-Ad Valorem Assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until the ad valorem tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act.
- (c) The lien shall be deemed perfected upon adoption by the District of the Annual Assessment Resolution and shall attach to the real property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

### **Section 10.10      Initial Prepayment Amount.**

- (a) Upon adoption of the Final Assessment Resolution, the Initial Prepayment Amount for each Tax Parcel will become due.
- (b) The Initial Prepayment Amount for each Tax Parcel shall be calculated in accordance with Section 10.01.

### **Section 10.11      Initial Prepayment Option.**

- (a) Prior to close of business on the last regular Business Day of August of any year, the Owner of a Tax Parcel subject to a System Development Charge ("SDC") shall be entitled to prepay any amount of the SDC up to the remaining balance in full, by remitting such payment to the District.
- (b) The amount of all prepayments made pursuant to this Section shall be final. The District shall not be required to refund any portion of a prepayment.
- (c) After August 31 of any tax year, any outstanding portion of the SDC shall be subject to an Annual Assessment calculated in accordance with Section 10.13(e) below.

### **Section 10.12      Adjusted Prepayment Amount.**

The Adjusted Prepayment Amount for each Tax Parcel shall be an amount equal to the Initial Prepayment amount minus the sum of all calculated principle payments due (as defined in Section 10.13(b)(ii) below) as certified annually on the preceding years' Tax Rolls or pre-paid by or on behalf of the Owner of a particular Tax Parcel directly to the District.

### **Section 10.13      Computation Method: Annual Non-Ad Valorem Assessment Roll.**

- (a) Assessments will be imposed for the applicable Tax Year and each succeeding Tax Year following the Final Assessment Resolution applicable to the Tax Parcel in which any portion of the Adjustment Prepayment Amount remains outstanding and will be collected through the Non-Ad Valorem Assessment Roll certified to the Tax Collector for collection in the manner authorized by the Uniform Assessment Collection Act. The annual interest rate applicable to the Annual Debt Service Component calculation for each Non-Ad Valorem Assessments Roll shall be published in the Final Assessment Resolution.

- (b) The **Annual Debt Service Component** shall be calculated for each Fiscal Year in which the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) of the Tax Parcel is outstanding as follows:
  - (i) The District shall first calculate an annual interest rate equal to the lesser of the District Borrowing Rate or eight percent (8%).
  - (ii) The District shall next calculate the amount of principal due for the Tax Parcel by dividing the Tax Parcel's Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) by the number of remaining years the Assessment is payable, which shall initially be for a period of twenty (20) years.
  - (iii) The District shall then determine the interest due by multiplying the annual interest rate computed in Paragraph (1) above by the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable.)
  - (iv) The Annual Debt Service Component is then calculated as the sum of the amounts determined in (2) and (3) above.
- (c) The **Collection Cost Component** represents the proportional share of the total charge levied by the Monroe County Tax Collector to collect all Assessment for the given tax year, which is estimated at 0.2% of the total annual Assessment.
- (d) The **Statutory Discount Amount** shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and Non-Ad Valorem Assessments. Such amount will be calculated by deducting the sum of the Annual Debt Service Component and the Collection Cost Component, from the quotient of the sum of the Annual Debt Service Component and the Collection Cost Component divided by 96%.
- (e) The **Annual Assessment** for each Tax Parcel shall be computed as the sum of the Annual Debt Service Component from Section 10.13(b), the Collection Cost Component from Section 10.13(c) and the Statutory Discount Amount from Section 10.13(d).

#### **Section 10.14      Optional Prepayment.**

- (a) The Owner of each Tax Parcel subject to the Assessments shall be deemed to have prepaid all future unpaid Assessments upon payment of an amount equal to the sum of the most recently calculated Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment.
- (b) The District shall not be required to refund any portion of a prepayment.

#### **Section 10.15      Mandatory Prepayment.**

- (a) The Owner of a Tax Parcel subject to the Assessment shall immediately prepay the Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment, if a tax certificate has been issued and remains outstanding in respect of the Tax Parcel, and the District at its sole option elects to accelerate the Assessment.
- (b) The Owner of a non-residential Tax Parcel subject to the Assessment shall immediately prepay the Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment prior to sale or transfer of that Tax Parcel.
  - (i) Mandatory Prepayment under this provision may be waived by the District at its sole option if the receiving Owner of the Non-Residential Tax Parcel agrees to and assumes the Assessment.

- (ii) Such Tax Parcels are not eligible for waivers under the provisions of Section 10.04, Section 10.05 or Section 10.06 above.
- (iii) Such Tax Parcels shall not be eligible for an adjustment of their System Development Charge under any of the provisions of Section 10.08(c)(iii) above.
- (c) The District shall not be required to refund any portion of a prepayment.

#### **Section 10.16            Procedures for Request of Refund.**

- (a) Tax Parcel Owners who wish to request a full or partial refund of an overpayment of System Development Charge may do so under the provisions of this Section. The decision to issue a refund is at the sole discretion of the District. Under no circumstances shall the District be required to refund any portion of a prepayment or overpayment.
- (b) Notwithstanding paragraph (a) above, if the District determines that a Tax Parcel was erroneously Assessed, the Tax Parcel owner shall be entitled to a full refund of all System Development Charges, interest, fees and any other charges reasonably related to the erroneously assessed SDC under the provisions listed below.
- (c) Tax Parcels which have received a credit under the provisions of Section 10.06(a)(i) above (Contiguous Vacant Parcels) or Section 10.07(b) above (Combined Tax Parcels) and hold a credit balance on the surviving parcel after such credit shall not be entitled to a refund after the later of September 30, 2014 or September 30 of the fifth (5<sup>th</sup>) year following the initial Assessment.
- (d) Request for Refunds must be submitted in writing. If a refund is requested as part of a review or waiver, such request must be included with the request for review or waiver.
- (e) In the event the District, at the District's sole discretion, determines that a refund is due and payable, the refund amount is limited to the amount paid by the current owner of the Tax Parcel.

#### **Section 10.17            General Provisions.**

- (a) **Method of Collection.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.
- (b) **Severability.** If any clause, section, or provision of the KLWTD Rules and Regulations shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said KLWTD Rules and Regulations shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.
- (c) **Conflict.** In the event that any portion of the KLWTD Rules and Regulations, or application thereof, conflicts with any State or Federal law, such State or Federal law shall prevail.



## Article XIII. Definitions and Construction of Terms

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to these rules; and the term “hereafter” means after, and the term “heretofore” means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

**“Act” or “the Act”** refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

**“Active Account”** means that Service exists between an Owner/ Customer and the District, under which the District stands ready to serve and Service is rendered or available on demand and payment for said Service is made or due from the recipient on a Monthly basis.

**“Adjusted Prepayment Amount”** means the amount required to prepay the Assessment for each Tax Parcel against which a Non-Ad Valorem Assessment is levied pursuant to this Resolution: (A) following issuance of the Original Obligations as computed pursuant to Section 10.13 hereof and (B) revised annually pursuant to Section 10.12 hereof.

**“Alternative Water Supply Wastewater Service”** means Wastewater Service to a property that is used exclusively for residential purposes and that receives potable water by a means other than the Customer’s FKAA water meter. An example of Alternative Water Supply Wastewater Service is Wastewater Service to a home that uses a rainwater collection system for its potable water supply.<sup>17</sup>

**“Annual Assessment Resolution”** means the resolution adopted by the District approving 1) an Assessment Roll, 2) establishing the adjusted cost for specific components of the Assessment Roll including but not limited to the connection, capacity and equipment costs applicable to all Tax Parcels initially Assessed that year and 3) the interest rate used to calculate the Assessment Roll for that specific Tax year in accordance with the Uniform Assessment Collection Act.

**“Annual Debt Service Component”** means the amount computed for each Tax Parcel pursuant to Section 10.13(b) hereof.

**“Assessment Area”** means the proposed initial Wastewater Assessment Area described in Section 1.02 hereof.

**“Assessment Coordinator”** means a Person or Persons designated by the District to be responsible for coordinating Assessments.

**“Assessment Roll”** means a roll of Non-Ad Valorem charges prepared by the District and certified to the Monroe County Tax Collector for collection. Annually, the District may prepare a preliminary and, upon review

**“Assessment”** means a charge imposed by the District against real property within the Assessment Area to fund the Capital Cost of Utility Improvements or the Operating Cost of Related Services, as provided for in the District Assessment resolutions. The Assessment may represent a portion of the total System Development Charge as calculated herein and in accordance with the Uniform

<sup>17</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

Assessment Collections Act or may represent the entire System Development Charge where applicable.

**“Biological Oxygen Demand”** or **“BOD”** means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It also means a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-Day period as specified in Chapter 62-160, FAC.<sup>18</sup>

**“Board”** means the Board of Commissioners of the Key Largo Wastewater Treatment District.

**“Business Day”** means the period of each Day from 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding the District’s Official Holidays.

**“Capital Cost”** means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal, or replacement (including demolition, environmental mitigation, and relocation) of the Wastewater Management Facilities, and imposition of the Assessment under generally accepted accounting principles; and including reimbursement to the District for any funds advanced for Capital Cost and interest on any interfund, intrafund, or temporary construction loan for such purposes.

**“Collection Cost Component”** means the amount computed for each Tax Parcel pursuant to Section 10.13(c) hereof.

**“Collection Cost”** means the estimated cost to be incurred by the District during any Fiscal Year in connection with the collection of Assessments including, but not limited to, costs associated with billing and collection, financing charges, and other charges or costs associated with the use of the Uniform Assessment Collection Act.

**“Contiguous Vacant Parcel”** means a Vacant Parcel immediately adjacent to a Tax Parcel served by the District and connected to the Districts central Wastewater Collections System.

**“County”** means Monroe County, a political subdivision of the State of Florida.

**“Cross-Connection”** means any physical arrangement whereby a water supply is connected, directly or indirectly, with any other system capable of imparting contamination to the supply as the result of backflow.

**“Customer”** means any Person that accepts or receives Wastewater Service.

**“Day”** means one (1) twenty-four (24) hour period.

**“Delinquent Account Charge”** means the charge billed Customers when all or part of the payment on their account has become delinquent. The Delinquent Account Charge is based on the outstanding balance as shown in Section 11.05.

**“Delinquent Account”** or **“Delinquency”** means that for the Active Account, payments for satisfaction of some or all past and current fees and charges are past due by at least two bill payment cycles of said Active Account, but Service has not yet been discontinued.

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<sup>18</sup> Definition added by Rule Change #16 on August 26, 2006.

**“Department of Environmental Protection”** or **“DEP”** means the State of Florida Department of Environmental Protection.

**“Department of Health”** or **“DOH”** means the State of Florida Department of Health.

**“Developer”** means a Person developing property for resale, rental, or lease, to which Wastewater Service may be provided by the District.

**“Discharge”** means the introduction of Pollutants into a Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

**“District Borrowing Rate”** means the District's weighted average borrowing rate based on the average interest rate of debt instruments issued by the District to fund the Project Cost of the Wastewater Management Facilities, which are secured by proceeds of the Assessments.

**“District Obligation”** means an Original Obligation secured by proceeds of the Assessments.

**“District”** means the Key Largo Wastewater Treatment District.

**“Dwelling Unit”** means a single unit designated or intended for one-family occupancy (a household of one or more Persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, one residential condominium unit (whether in a single-unit building or a multiple-unit building), or one mobile home or recreational vehicle space not regulated under Chapter 513, F.S. An Employee Housing Unit that is part of a Commercial Accommodation facility is not a Dwelling Unit.<sup>19</sup>

**“Easement”** means any legal right for the specific use of land owned by others.

**“Enforcement”** means actions taken in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.

**“Equivalent Dwelling Unit”** or **“EDU”** means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per Day of potable water usage.<sup>20</sup>

**“Excluded Parcel”** means a Tax Parcel, as determined by the District, that will not receive a special benefit from construction of the District Wastewater Management Facilities and accordingly, not be included in the District's Tax Roll. To be designated as an Excluded Parcel, the Tax Parcel must not be improved with facilities or structures that generate, or might generate, sewage that will be managed by the District Wastewater Management Facilities.

**“FAC”** means the Florida Administrative Code.

**“Final Assessment Resolution”** means the resolution that will confirm, modify, or repeal this Resolution and that will be the final proceedings for imposition of Assessments described in this Resolution.

**“Fiscal Year”** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year of the District.

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<sup>19</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

<sup>20</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

**“FKAA”** means the Florida Keys Aqueduct Authority.<sup>21</sup>

**“Force Main”** means a pipe owned by the District and used to transmit Wastewater from a pump station to a treatment facility.

**“General Manager”** means the General Manager of the Key Largo Wastewater Treatment District.

**“Government Property”** means a Tax Parcel owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**“Initial Prepayment Amount”** means the amount required to pay in full the System Development Charge for a particular Tax Parcel prior to being included in the Annual Assessment Roll as set forth in the applicable Assessment Resolution.

**“Irrigation Meter”** means a particular type of meter as defined and installed by the Florida Keys Aqueduct Authority as an “Irrigation Meter” for Commercial properties that have excessive potable water use that does not return to the Wastewater System.

**“KLWTD Rules and Regulations”** means the Key Largo Wastewater Treatment District General Rules and Regulations as may from time to time be amended.

**“KLWTD”** means the Key Largo Wastewater Treatment District.

**“Laundromat”** means a stand-alone laundry business that provides self-Service and non-self-Service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination. “Laundromat” does not include laundry facilities that are located in or otherwise associated with a Commercial Accommodation.<sup>22</sup>

**“Minimum Design and Construction Standards and Specifications”** means the engineering design and construction specification demands of the District related to Wastewater Facilities constructed by any Developer, Owner, Customer or User, which are adopted by reference in these rules.

**“Mixed-Use Tax Parcel”** means a Tax Parcel improved with a structure or group of structures, comprising one or more Dwelling Units, and one or more units that are not a Dwelling Unit, or a Laundromat.

**“Monthly Base Charge”** means the monthly recurring charge based on the ESU assignment of the billed entity and charged as described in Section 9.03.<sup>23</sup>

**“Monthly Volumetric Charge”** means the monthly charge based upon the volume of potable water used by the billed entity and charged as described in Section 9.03(b).<sup>24</sup>

**“Multi-Family, Unique Residential Parcel”** means a Unique Residential Parcel intended for more than one Dwelling Unit and less than seven Dwelling Units.

**“Non-Ad Valorem Assessment”** means Assessments which are not based upon millage and which can become a lien against a homestead as permitted by s. 4, Art. X of the State Constitution. Non-Ad

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<sup>21</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

<sup>22</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

<sup>23</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

<sup>24</sup> Definition added by Resolution 20-06-13 on June 18, 2013.

Valorem Assessments are based on the improvement or service cost allocated to a property and are levied on a benefit unit basis, rather than on value.

**“Non-Residential Tax Parcel”** means a Tax Parcel classified by the Property Appraiser as other than “residential” and that is improved with a structure or structures, no part of which is a Dwelling Unit.

**“Official Holidays”** means those National holidays observed by the District and include: New Year's Day, Birthday of Martin Luther King, Jr. (third Monday in January), Memorial Day, Independence Day, Labor Day, Veterans' Day (November 11), Thanksgiving Day, Friday after Thanksgiving and Christmas Day. Any holiday falling on a Saturday shall be observed on the preceding Friday and any holiday falling on a Sunday shall be observed on the following Monday.

**“On-Site Treatment and Disposal System”** or **“OSTDS”** means a Wastewater treatment system utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit, on-site Wastewater nutrient reduction system, package sewage treatment facilities.

**“Operating Cost”** means all or any portion of the expenses that are properly attributable to providing Services under generally accepted accounting principles.

**“Original Obligations”** means that portion of a series of bonds or other evidence of indebtedness, including without limitation notes, commercial paper, capital leases, or any other obligations issued or incurred to finance the Project Cost of the District Wastewater Management Facilities.

**“Owner”** means a Person who is the record Owner of any Premises.

**“Person”** means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, private or governmental, as the context may require.

**“Point of Service”** means: the point where the District's Wastewater Facilities connect to Customer-installed, owned, operated and maintained facilities. The Point of Service shall generally be at the point where the Building gravity Wastewater Service Lateral intersects the right-of-way line or, in the event a utility Easement exists adjacent to the right-of-way line, at the point where the Building Wastewater Service Lateral intersects the utility Easement line furthest from the main.

**“Pollutant”** means any dredged spoil, solid waste, incinerator residue, Wastewater, garbage, Wastewater Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

**“Premises”** means any and all real property and tangible personal property affixed to real property served or capable of being served by the District as a result of the existence of a Service Connection.

**“Pretreatment”** means reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a Wastewater Collection or Treatment System.

**“Project Cost”** means (A) the aggregate Initial Prepayment Amount of all Tax Parcels subject to the Assessment prior to any prepayments, (B) the Transaction Cost associated with the District Obligations attributable to District Wastewater Management Facilities, (C) interest accruing on such District

Obligations for such period of time as the District deems appropriate, (D) the debt Service reserve fund or account, if any, established for the District Obligations attributable to District Wastewater Management Facilities, and (E) any other costs or expenses related thereto.

**"Property Appraiser"** means the Monroe County Property Appraiser.

**"Qualified Water Meter"** means a water meter which provides Service to a Tax Parcel and has a Service type designation of "WRES" or "WNONRES" according to FCAA records.

**"Related Service"** means the operation and maintenance of a Utility Improvement.

**"Residential Tax Parcel"** means a Tax Parcel improved with a structure or structures that are comprised exclusively of Dwelling Units and their appurtenances, such as garages, sheds, swimming pools, and boat docks.

**"Returned Check" or "Bank Draft"** charge is a charge based on the estimated administrative cost of collecting the amount due from the tendered check or Bank Draft that was not honored by the payer's bank as provided by Chapter 832.07, Florida Statutes.

**"Service Charge"** means the charge assessed Customers, per event, when the District travels to the Premises or for administrative processing by the District.

**"Service Connection"** means the physical attachment of the District's facilities to those facilities of any property through which Wastewater Service is deliverable.

**"Service Lateral"** means the pipe which connects the District's collection facilities to the Service Connection at the Point of Service. Said pipe is typically situated on private property and is owned, operated and maintained by the Owner.

**"Service Unit"** means Premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other Wastewater generating fixtures, and used for a single residential or non-residential use. Service Units fall into the general categories of Permanent, Boat Slip/Dock/Berth, and Mobile.

**"Service"** means the readiness to accept or the acceptance of Wastewater from a Customer at a Point of Service by the District.

**"Sewer"** means any pipe, conduit, or other device used to collect and transport Wastewater and from which storm water, surface water, and groundwater are generally excluded. As the context requires, the term is synonymous with the term Wastewater or other terms incorporating such term therein.

**"Single-Family, Unique Residential Parcel"** means a Unique Residential Parcel intended for a single Dwelling Unit.

**"Sludge"** means any solid or semisolid waste generated from a Wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater treatment plant.

**"State"** means the State of Florida.

**“Statutory Discount Amount”** means the amount computed for each Tax Parcel subject to the Assessments pursuant to Section 10.13(d) hereof.

**“System Impact Charge”** or **“SIC”** is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the District's Wastewater Facilities. The SIC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.

**“System Development Charge”** or **“SDC”** means the initial charge to each Tax Parcel representing a portion of the Capital Costs related to the construction of the District's Wastewater Management Facilities.

**“Tampering”** means any willful alteration or interference with a water meter or Wastewater System components and facilities owned by the District, except for turning the valve associated with the water meter for the purpose of temporary disconnection of Service. Tampering includes obtaining unauthorized Service to a Premises or location.

**“Tax Collector”** means the Monroe County Tax Collector.

**“Tax Parcel”** means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**“Tax Roll”** means the real property ad valorem tax Assessment Roll maintained by the Monroe County Tax Collector for the purposes of the levy and collection of ad valorem taxes.

**“Tier I”** or **“Tier One”** is a tier designation assigned by the Monroe County Division of Growth Management to a parcel located within Monroe County that identifies it as “Environmentally sensitive land.”

**“Transaction Cost”** means the costs, fees, and expenses incurred by the District in connection with the issuance and sale of any series of District Obligations, including without limitation (A) rating agency and other financing fees; (B) the fees and disbursement of bond counsel and disclosure counsel, if any; (C) the underwriter's discount; (D) the fees and disbursements of the District's financial advisor; (E) the costs of preparing and printing the District Obligations; (F) the fees payable in respect of any bond or reserve account insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with the issuance of such District Obligations.

**“Uniform Assessment Collection Act”** means the method of collecting Non-Ad Valorem Assessments provided in Chapter 197.3632, Florida Statutes.

**“Unique Residential Parcel”** means a residential Tax Parcel which can only deliver Wastewater to the main collection system by means of a pumping mechanism and by connecting either to a low pressure collection system or to a transmission main. A Unique Residential Parcel does not include a residential multi-family Tax Parcel consisting of more than six Dwelling Units or a Tax Parcel for which the District has provided a connection point capable of receiving Wastewater by gravity, such as a gravity collection system or a vacuum pit.

**“User”** means any Person responsible for the Discharge of Wastewater into a Wastewater System.

**“Utility Improvement”** means a capital improvement constructed or installed by the District for the special benefit of a neighborhood, district, or other benefited area.

**“Vacant Parcel”** means a Tax Parcel that is unimproved with any structures or facilities such as quick-connect fixtures for recreational vehicles that might generate Wastewater, but does not include a Tax Parcel for which permits have been issued for construction.

**“Wastewater Collection System”** means a system for carrying Wastewater including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

**“Wastewater Facilities”** or **“Wastewater System”** means the system comprised of all structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent.

**“Wastewater Management Facilities”** means all facilities acquired, designed, constructed, installed, reconstructed, renewed, or replaced by the District for the purpose of collecting, transporting, and treating Wastewater and disposing of the byproducts of such treatment. In general, Wastewater Management Facilities may be characterized as one of three types: collection system, transmission main, and treatment plant.<sup>25</sup>

**“Wastewater”** means liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments or manufacturing facilities, whether treated or untreated, which are Discharged into a Wastewater System.

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<sup>25</sup> Definition added by Resolution 20-06-13 on June 18, 2013.



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**RESOLUTION NO. 06-03-13**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE KEY LARGO WASTEWATER TREATMENT  
DISTRICT ESTABLISHING PROCEDURES FOR  
APPROVING ASSESSMENT WAIVERS FOR TAX  
PARCELS PURCHASED BY THE MONROE COUNTY  
LAND AUTHORITY, MONROE COUNTY OR OTHER  
MONROE COUNTY ENTITIY FOR CONSERVATION  
PURPOSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Monroe County Land Authority ("Land Authority") is a blended component unit of Monroe County government, which was created pursuant to Florida Statutes section 380.0663 and Monroe County Code section 2-397 and which is governed by the Monroe County Board of County Commissioners; and

**WHEREAS**, the Land Authority was established to assist in the implementation of the County's land use plan by acquiring property for conservation, recreation, and affordable housing purposes; and

**WHEREAS**, from time to time, Monroe County and/or the Land Authority purchase, for conservation purposes, certain tax parcels located with the boundaries of the Key Largo Wastewater Treatment District (hereinafter referred to as "Conservation Parcels"); and

**WHEREAS**, Conservation Parcels are represented by Monroe County and/or the Land Authority as incapable of being improved with facilities that will generate wastewater.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:**

**Section 1.** All Conservation Parcels purchased by Monroe County and/or the Land Authority shall be exempted from the Key Largo Wastewater Treatment District's System Development Charge provided that Monroe County and/or the Land Authority have submitted to the District documentation showing that:

- a) the Conservation Parcel(s) have been purchased by Monroe County and/or the Land Authority for conservation purposes, and
- b) the Conservation Parcel(s) are not capable of being improved with facilities that will generate wastewater.

**Section 2.** With respect to any such Conservation Parcels excluded by authority of this Resolution, the District shall hereby authorize the Monroe County Tax Collector to credit the entire Non-Ad Valorem wastewater assessments for the current tax year if the real property tax bill has not been paid.

**Section 3.** The District hereby authorizes the Monroe County Tax Collector to issue credits to holders of tax certificates issued with respect to all such parcel(s) purchased by Monroe County and/or the Land Authority and excluded by the District from the District's entire Non-ad Valorem Assessment to the extent as the tax certificates were sold to collect District Non-ad Valorem Assessments as shall be provided for by law.

**Section 4.** With respect to any such Conservation Parcels excluded by authority of this Resolution, no previous or current owner of that parcel shall be entitled to direct refund of any System Development Charges, interest, collection fees, statutory discounts, or any other fees associated with previously assessed non-ad valorem wastewater charges including but not limited to penalties or tax certificate charges previously paid.

**Section 5.** If the District, in its sole discretion, later provides Wastewater Services to any of excluded Conservation Parcel(s), the then-current owner(s) shall be required to pay to the District all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the parcel(s) will receive, as determined by the District.

**Section 6.** **APPLICABILITY AND EFFECTIVE DATE.** This resolution shall take effect upon adoption by the Board of Commissioners.

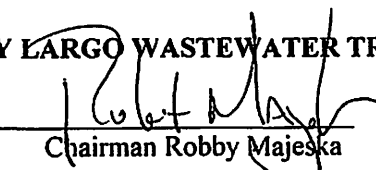
**RESOLVED AND ADOPTED THIS 19<sup>th</sup> DAY OF MARCH 2013**

The foregoing Resolution was offered by Commissioner Higgins, who moved its approval. The motion was seconded by Commissioner Gibbs, and being put to a vote the result was as follows:

	AYE	NAY
Commissioner Robert Majeska	<u>X</u>	<u>      </u>
Commissioner Andrew Tobin	<u>X</u>	<u>      </u>
Commissioner Norman Higgins	<u>X</u>	<u>      </u>
Commissioner Steven Gibbs	<u>X</u>	<u>      </u>
Commissioner David Asdourian	<u>X</u>	<u>      </u>

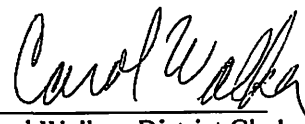
The Chairman thereupon declared Resolution No. 06-03-13 duly passed and adopted the 19<sup>th</sup> day of March, 2013

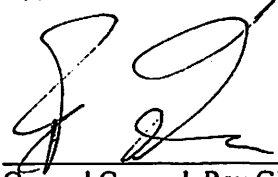
**KEY LARGO WASTEWATER TREATMENT DISTRICT**

BY:   
Chairman Robby Majeska

ATTEST:

Approved as to form and legal sufficiency

  
Carol Walker, District Clerk  
SEAL

  
General Counsel, Ray Giglio





# Key Largo Wastewater Treatment District Assessment Modification Procedures Matrix

		Scenario	Description	Board Decision
EDU / Assessment Change		Change of Use: Land	PC Code changes with MCPA	<div>- 3 year statute of limitation (from date of initial assessment) or 9/30/2014, whichever is later for decrease in assessment.</div> <div>- Impact fee for a significant increase in flow (added to assessment)</div> <div>- Assessment to be PIF at closing or new owner can elect to assume</div> <div>- N/A to Residential 1-4 units</div> <div>-----</div> <div>- Residential 1-4 - Continue with current procedure (if refund due, limited to amount paid by the current owner)</div>
		Change of Use: Business	Business tenant changes for a parcel	
		Change of Use: Dwelling	Portion of Mixed use converts to or from Residential	
		Pattern Of Usage Change	Customer conservation efforts reduces water usage	
		Irrigation Meter	Customer installs irrigation meter	
Assessment Removal or Addition	Waivers	Contiguous Vacant Parcel	Serviced parcel has adjacent vacant lot they desire to waive	<div>- Apply principal on waived to serviced parcel.</div> <div>- If new balance less than \$0, issue refund (limited to amount paid by current owner)</div> <div>- 5 year statute of limitations for application (from date of initial assessment)</div>
		Tier I Vacant Parcel	Vacant residential parcel classified as Tier I	<div>- Adjust unpaid tax bills</div> <div>- Remove from assessment roll</div> <div>- No refunds</div>
		Conservation Parcel	Monroe County is purchasing parcel for conservation	<div>- Adjust unpaid tax bills</div> <div>- Redeem certificates</div> <div>- No refunds</div>
		Minimum Tax Bill	Parcel receives an annual tax notice because the wastewater assessment is imposed.	<div>- Redeem certificates</div> <div>- Notify owner 30 days in advance</div>
	Subdivided and Combined	Subdivided Parcel	Multi-Lot Parcel subdivided <i>Annual audit of AKs shows new parcels</i>	<div>- Add new AK to assessment roll of parent AK</div>
		Combined Parcel	MCPA Parcel Aggregation <i>Annual audit of AKs shows merged lots</i>	<div>- Apply principal on waived to serviced parcel.</div> <div>- If new balance less than \$0, issue refund (limited to amount paid by current owner)</div> <div>- 5 year statute of limitations for credit (from date of initial assessment)</div>
	Other	Assessment Error	Erroneously assessed parcel. Assessed parcel is clearly unserviceable	<div>Make it whole:</div> <div>- Correct balance</div> <div>- Redeem certificates</div> <div>- Credit interest, CC and fees</div> <div>- If new balance less than \$0, issue refund</div>
		Reversal of Waiver	Previously waived or exempted parcel now requests service	<div>- New Assessment due in full at current rate</div> <div>- Possible additional charges</div>
	<div>* All Credits are limited to amount paid by current owner.</div> <div>* Billing is separate from assessments and can be adjusted by a customer or District initiated appeal.</div> <div>* Impact fee is the cost to install additional infrastructure that is necessary for the higher volume of flow.</div> <div>* These are recommended changes to our existing Rule and Resolutions.</div>			

# TAB 5

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: August 5, 2014

Agenda Item No.

10

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ ACTION ITEM

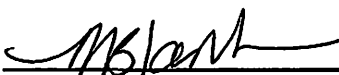
☐ CONSENT AGENDA

☐ Other:

SUBJECT: Hibiscus Marketing Contract


RECOMMENDED MOTION/ACTION: Action

Approved by General Manager



Date:

8/1/2014

<b>Originating Department:</b> General Manager	Costs: \$36,000 annually Funding Source:	<b>Attachments:</b> Contract
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____ <input type="checkbox"/> Operations _____	<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required

**Summary Explanation/Background:**

The Hibiscus Marketing Contract is submitted for approval.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



## **CONSULTANT AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of July, 2014, by and between:

**KEY LARGO WASTEWATER TREATMENT DISTRICT** ("District"),  
an independent special district established under the Laws of Florida, whose  
address is: P.O. Box 491, Key Largo, FL 33037; and

**HAWK ASSOCIATES, INC. d/b/a HIBISCUS MARKETING** ("Hibiscus"),  
a Florida corporation, whose address is: 227 Atlantic Blvd., Key Largo, Florida  
33037.

**WITNESSETH**, that the District and Hibiscus agree as follows:

1. **SERVICES.** Hibiscus has agreed to provide to the District consultation, marketing, and public relations services, in accordance with the terms and conditions of this Agreement, and as outlined in its proposal dated July 9, 2014, a copy of which is attached hereto as Exhibit "A." Hibiscus will focus on addressing the District's funding disparity. In addition, Hibiscus will provide specific services requested and approved in writing by the District. Frank Hawkins will be the primary provider of services for Hibiscus. With respect to all services provided by Hibiscus, Hibiscus has agreed to and shall: work diligently to protect and promote the interests of the District at all times; act loyally and faithfully towards the District in all matters; and advise the District of all its key meetings, discussions and correspondence with representatives of government and the media concerning the District.
2. **RESPONSIBILITIES OF THE DISTRICT.** The District shall provide Hibiscus with all information, assistance, and materials that Hibiscus requests from time to time to facilitate the proper and timely performance of the Services. In particular (but without limitation) the District agrees to: notify Hibiscus of any inquiries related to the District from any of the media; advise Hibiscus well in advance of any major events in the District's business or operation; permit Hibiscus (by its representatives) to attend such meetings as are reasonably necessary for Hibiscus to provide the Services described above.
3. **COMPENSATION.** In exchange for the services described above, the District agrees to pay Hibiscus a base rate of THREE THOUSAND (\$3,000.00) DOLLARS per month. In addition, the District agrees to pay Hibiscus the following additional amounts:
  - An hourly rate of SEVENTY (\$70.00) DOLLARS per hour for programming services that are necessary in order for Hibiscus to service the District's website (<http://www.klwtd.com>).
  - Reasonable and necessary out-of-pocket expenses and disbursements.
4. **WRITTEN APPROVAL.** The total for the additional amounts charged by Hibiscus over and above the base rate shall not exceed 5% of the monthly base rate without prior written approval of the District. In addition, Hibiscus will secure advanced written

approval from the District for any single expense not originally agreed upon herein and for all design material, media events, and any other public relations or marketing initiatives before printing or scheduling.

5. **INVOICES.** Hibiscus will invoice the District on a monthly basis for services performed in the preceding month. All invoices for out-of-pocket expenses and disbursements must be supported by receipts or invoices for such expenses. All invoices for programming services must be supported by narrative time sheets listing, with respect to each block of time: the name of the person providing the services; a brief description of the services provided; the times spent, rounded up to the nearest 0.25 hour.
6. **PAYMENT OF INVOICES.** Pursuant to Sections 218.73 and 218.74 of the Local Government Prompt Payment Act, payment is due not more than 45 days after receipt of a proper invoice. Under Section 218.74, F.S., payments not made within the time specified bear interest from 30 days after the due date at the rate of 1 percent per month on the unpaid balance. The vendor must invoice the local governmental entity for any interest accrued in order to receive the interest payment. Any overdue period of less than 1 month is considered as 1 month in computing interest. Unpaid interest is compounded monthly. For the purposes of this section, the "1 month" means a period beginning on any day of one month and ending on the same day of the following month.
7. **DISTRICT'S REPRESENTATIVE.** The District General Manager shall be the representative who will serve as the primary contact for Hibiscus. Hibiscus shall report to this designated representative and it is through this representative that day-to-day contact with the District shall occur. The normal method of communication with the District will be by telephone or email, and the District may specify a list of email recipients to receive communication from Hibiscus. The District may change its representative by written notice to the Hibiscus. Any reference in this Agreement to the District's "written approval" shall mean written approval by the District's designated representative.
8. **TERM AND TERMINATION.** The term of this Agreement shall begin on August 1, 2014 and shall continue in effect for a period of ONE (1) YEAR. For any reason, or for no reason, either party upon sixty (60) days written notice to the other party may terminate this Agreement.
9. **COMPLIANCE WITH THE LAW.** Hibiscus agrees to render services in a manner that complies with all applicable laws, rules, and regulations, including ethics laws, rules, and regulations. If Hibiscus provides lobbying services on behalf of the District, Hibiscus agrees to properly register, as a lobbyist representing the District, and to make all necessary lobbying reports to the proper authorities.
10. **POLITICAL CONTRIBUTIONS.** All of the compensation to be paid to the Hibiscus is for services to be rendered and is not paid pursuant to any agreement or understanding between the Hibiscus and the District that the Hibiscus will make any contribution to any political party, candidate, or organization.
11. **MISCELLANEOUS REPRESENTATIONS OF PARTIES.** Hibiscus's services may include advocating the District's position before governmental agencies in the hopes

of obtaining action by the agency favorable to the District. The District understands and acknowledges that, while principals of Hibiscus may have developed positive professional relationships with governmental officials that may include the governmental officials involved in this representation, there can be no guarantee that any decisions of any governmental agency will be favorable to the District. The District further acknowledges that there have been no representations that Hibiscus or its employees can exert any undue or improper influence over any governmental agency or official. In the event the District chooses to make any political contributions, the District acknowledges that those contributions are not connected to the Hibiscus's representation and that neither the Hibiscus nor its principals have made any representations that such contributions will affect the outcome of any governmental decision or proceeding in which Hibiscus represents the District.

12. **CONFIDENTIAL INFORMATION.** From time to time, the District may give Hibiscus information, either orally or in writing, and indicate that the information is confidential. Hibiscus shall protect such information, shall not disclose such information to anyone, and shall not use the information for any purpose except for rendering service to the District. All information and property records pertaining to the District are and shall remain the property of the District.
13. **EXCLUSIVITY.** Hibiscus agrees that it shall not represent any company or organization whose interests conflict or compete with those of the District without the District's express prior written approval.
14. **INDEPENDENT CONTRACTOR.** Hibiscus agrees that it is an independent contractor. Hibiscus shall be solely responsible for the performance of its duties under this Agreement and for all withholding taxes, including all federal, state, and local taxes, and all workers' compensation insurance.
15. **ASSIGNMENT.** Hibiscus shall not assign its rights or obligations under this Agreement without the prior written approval of the District.
16. **ENTIRE AGREEMENT.** The foregoing contains the entire Agreement of the parties hereto and supersedes any and all prior written or oral Agreements between the parties relating to the subject matter hereof. No modification of this Agreement shall be binding upon the parties unless the same is in writing signed by the parties.
17. **HEADINGS.** The headings and other captions contained in this Agreement are provided for reference and convenience purposes only and are in no way intended to describe, interpret, define, expand, or limit the scope, extent, or intent of this Agreement, or any provision hereto.
18. **NOTICES.** Any notice, invoice or other communication which either party is required or permitted by this Agreement to serve on the other party shall be sufficiently served if sent to the other party at its specified address as shown above (or such other address as is notified to the other party in writing) as follows:
  - By hand;
  - By registered or first class post or recorded delivery; or

- By fax confirmed by registered or first class post or recorded delivery.

Notices sent by registered post or recorded delivery shall be deemed to be served three (3) working days following the day of posting. Notices sent by fax shall be deemed to be served on the day of transmission if transmitted before 4.00 p.m. on a working day, but otherwise on the next following working day. In all other cases, notices are deemed to be served on the day when they are actually received.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this instrument for the purpose herein expressed, the day and year above written.

**KEY LARGO WASTEWATER TREATMENT DISTRICT**

By: \_\_\_\_\_  
Margaret Blank, General Manager

**HAWK ASSOCIATES, INC. d/b/a HIBISCUS MARKETING**

By: \_\_\_\_\_

# Exhibit "A"



July 9, 2014

TO: Board of Commissioners  
Margaret Blank, General Manager  
Key Largo Wastewater Treatment District  
98880 Overseas Highway  
Key Largo, FL 33037

Commissioners, Margaret, here is the Hibiscus Marketing proposal to provide a communications program for KLWTD.

## **BACKGROUND**

The KLWTD entity is functioning well. The agreement with Islamorada is set and funds and fluids are flowing as they are supposed to. There are no large out cries or anger over how the District is being run or how customers are being treated although there continue to be specific issues to deal with such as the most recent issues with Snappers and Amy Slate's Amoray Dive Resort.

However a utility can never take for granted community goodwill. Things do go wrong. Pipes break. Fans stop working. Odor seeps out. Backups happen. Charges seem to be too high. An employee walks off with some funds. Customers find ways to be unhappy, etc. Fortunately, the district has good personnel who competently deal with these issues. But the overall District reputation as a competently run and managed entity is always at stake. Good reputations are not built overnight. But they can be destroyed in a horrible single incident.

This is why it is critical to be and remain out ahead of whatever might happen with an ongoing communications campaign that accurately and effectively portrays the district, its board, its management team and its employees as a positive entity and influence in the community. It is also important for KLWTD to focus on specific issues such as funding where the District needs public goodwill and political support. A carefully crafted communications program, skillfully executed, plays a major role in building a positive reputation and widespread support in the community and gaining the benefit of the doubt in an inevitable crisis.

The Co-op engages a contract person who handles a variety of media and communication chores that contribute to the positive reputation the Co-op has in the community. During Frank's 17 years on the Board of the Florida Keys Electric Co-op, the Co-op has done a very good job of maintaining a highly positive reputation with its members through an ongoing, persistent effort to tell the Co-op story in a proactive manner.



## PROGRAM OBJECTIVES

The primary objectives of an ongoing communications program are:

- Regularly clarify the district's financial circumstances and needs in order to make it easier for citizens to understand and support the District's activities.
- Enhance positive communications between KLWTD and its customers to keep customers/voters informed on what is going on and how their funds are being spent.
- Put a human face on the district in terms of the board, the manager and the staff portraying them to be active concerned citizens working for the betterment of the community. These are fellow citizens and neighbors of the community and should be perceived in that manner.
- Constantly telling the story of the positive benefits of the district's ongoing activities. This can never happen often enough.

**PROGRAM ELEMENTS** of a Hibiscus Marketing communications program would include:

**Facilitating Appropriate and Positive Media Coverage.** The Free Press and the Reporter often send reporters at the meetings. They show up, sit through the meeting, talk to the board members, the staff and visitors and write a story. So for the District, it's always a reactionary relationship, totally dependent on the whims of any reporter at any given time. There is a huge difference in approach and outcome between being reactive and proactive. Do you have a plan for proactively calling the media if there is a pipe break or major backup? A proactive approach, which includes outreach and press releases, can do wonders to improve the overall tone of coverage and relationships with the media. The Co-op, for instance, often reaches out to the media when there is an outage or some problem in order to get ahead of the story and influence coverage in a positive manner. There is always a media relations person who can be called.

**Lobbying Effort.** We'll provide appropriate writing and other assistance with preparation for presentations including designing brochures and hand outs.

**Quarterly Newsletter:** Over time the newsletter would cover a wide variety of issues that would show the District in a positive light. For instance: how aware are the voters of all the things that the Board members do for the community and the district? How aware is the community of the competence of the engineers and staff who run the District's operations? The Co-op does a brilliant job of telling the story of the linemen who risk their lives every time they climb a pole. But what does the community know about the plant operators and the expertise they must have in making the plant run safely and efficiently? These are stories that a newsletter is ideal for telling.



**Bimonthly Mailer in the FCAA bills.** This is also a great tool for providing quick, newsy snapshots that provide a positive, pro-active way to give voters a way to learn things about the District that it would be useful for them to know. This is the sort of opportunity to help tell your story with interesting factoids cleverly presented.

**Website.** Your website covers all the basics, but some polishing would make it look more modern. Compare the look and feel with the Co-op website <http://www.fkec.com>. The Co-op has a budget this year of \$25,000 just to upgrade the existing website. This puts into perspective the importance that even well run companies place on their image and the importance they place on how they are perceived by the public.

**Facebook** – Facebook is an enormously valuable communications tool. We run Facebook pages for a number of clients. For instance, Facebook could be used to issue invitations and agendas before each board meeting and to report after each board meeting to let those who are interested know what happened. It could be used to make public service announcements or alerts about construction or other activities that could affect the public. There is a real art to using Facebook and Social Media. Hibiscus Marketing has a high level of expertise here that would be very valuable to the District.

**Other Tasks** – The above list is not necessarily all the tasks that Hibiscus will provide, but it does provide a framework for designing a modern, state-of-the-art communications program that would be a positive attribute for the District and its citizens and voters.

**Cost** – To provide a program of this scope, Hibiscus Marketing will require a fee of \$3,000 a month plus out of pocket expenses based on a one-year contract. If programming time is required in polishing the website, that would be an additional charge at a rate of \$70 an hour. The monthly retainer is well below the Co-op monthly budget for communications and is well below what it would cost the district to employ a competent full time communications professional. That would cost you a minimum of \$50,000 - \$60,000 annually including benefits, holidays, etc. and with a possible longer-term liability.

Hibiscus will handle this on a team basis. Julie and Frank will be your primary interface on a regular basis, but we have other experts in various areas who would contribute to the Hibiscus effort on behalf of the District. One advantage of the team effort is there are never holiday issues. One member of the team will always be available and/or working on your behalf. That's another value added aspect that you could not get with a single communications employee. We thank you for this opportunity. We look forward to working with you in achieving the goals outlined here.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie W. Marshall", written in a cursive style.



*Frank Hawkins*

Frank Hawkins

Julie Marshall