

MINUTES
 Key Largo Wastewater Treatment District (KLWTD)
 Board of Commisisoners Meeting



November 16, 2005
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on November 16, 2005 at 5:03 PM. Present were Chairrman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock (arrived at 5:07 p.m.), and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

Approval of the Agenda

District Counsel requested that Resolution No. 19-11-05 be added to the Bulk Items.

MOTION: Commissioner Tobin made a motion to approve the agenda as amended. Commissioner Bauman seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

Public Comment

The following persons addressed the Commission: No public comment at this meeting.

Commissioner Items

- Collection System Development on Private Property*
- Calusa Campground*
- Connection Enforcement (KLTV and others)*
- System Take-Over and Maintenance*

Chairman Patton presented the background information from the District's Rule's and Regulations. He pointed out that before a policy is approved it should be consistent and the Board should consider the ramifications to all of the properties in the District that would be affected. Chairman Patton stated that he personally does not want the District to become involved in putting in collection systems on private property.

Commissioner Bullock explained that he has a problem with the less than one EDU per unit. He would like to see the system with a design criteria for the future which would be at one EDU per unit. The Commissioner would like to have as built drawings submitted to the District for all future development and he would like to have them signed by a registered professional land surveyor.

Commissioner Bauman said that he thinks that the District should put the collection system in. He feels that the District could put in a collection system in Calusa cheaper, quicker, and more efficiently than the Association could at Calusa Campground. He also pointed out that Calusa Campground has no experience putting in collection systems and the District has three years experience. Commissioner Bauman said that if it goes well then it can be used as a precedent and if it does not work out then say the District will not do it again.

Commissioner Tobin does not think that the District could put in a collection system cheaper, quicker, or better. The District is still government and governed by CCNA. He also feels that each unit should be one EDU.

Commissioner Brooks is totally against public funds being spent on private property because of all of the complications that could arise.

Commissioner Bullock is not interested in putting in a collection system on private property and he does not want to see anything less than one EDU per property on any property that the District services except commercial property.

Veronica Cruz, Calusa Campground Property Manager wanted to confirm that the District will not be going onto private property and that Calusa Campground would have to find their own funding source and put the collection system in themselves. The Board confirmed her understanding of the consensus of the Board. Ms. Cruz requested a copy of the checklist for an engineer.

The Board directed Staff to come back to them with a date for Calusa Campground to hook up and a revised One Year Notice for Calusa Campground.

Staff is to review The Rules and Regulations Article 7 to say System Development on Private Property, and Article 7 Section 7.03 (12) iii.

David Koppel, County Engineer

Mr. Koppel introduced Elizabeth Wood who will be working on the District's project as the County's Engineer.

Commissioner Bauman was excused from the meeting at 6:00 PM.

\$2 million for Wastewater from Federal Government

Commissioner Bullock stated that he felt that Commissioner Brooks has done an outstanding job as the Funding Liaison Representative to the Project Development Team.

Commissioner Brooks explained that his position has been he was fighting for money and if he gets the money he could not understand the Board not supporting him.

Commissioner Brooks then gave an update as to what has happened over the last several years with the Project Development Team

Chairman Patton thanked Commissioner Brooks for the tenacious job that he did as the Funding Liaison Representative to the Project Development Team in pursuing the monies for the District. He thanked Commissioner Brooks for time and effort that he has put into the job and commended him for being a Champion for the District.

Commissioner Tobin stated that he would like to see the Staff involved in obtaining the money from the Army Corp of Engineers and Commissioner Bullock agreed.

Bulk Items

MOTION: Commissioner Tobin made a motion to remove the items from the Bulk Agenda. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

KLWTD Board Meeting Minutes

Minutes of November 2, 2005

Commissioner Bullock pointed out that on page 7 under the first motion on the page the date is suppose to be January 1, 2006 not January 1, 2005.

MOTION: Commissioner Bullock made a motion to approve the minutes of November 2, 2005 as corrected. Commissioner Tobin seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		

Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Commissioner Brooks explained that he was not at the November 2, 2005 meeting and he is voting approval of the minutes for continuity only.

Minutes of October 19, 2005

MOTION: Commissioner Tobin made a motion to approve the minutes of October 19, 2005. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

RESOLUTION NO. 19-11-05

ANNUAL RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT DESIGNATING SPECIFIC COMMISSIONERS AS AUTHORIZED SIGNATORIES OF THE KEY LARGO WASTEWATER TREATMENT BOARD'S BANK ACCOUNT: AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 19-11-05. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

RESOLUTION NO. 13-11-05

RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MARILYN AND MICHAEL MACKEL FOR

DESIGNATION OF A TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Tom Dillon, District Counsel, explained the resolution.

Commissioner Tobin stated that the District does not have an application that the property owner fills out stating why the lot cannot be developed. He recommends that on the resolution there be a form that is signed and notarized that says the property owner accepts the terms and knows that it is going to be recorded; and that there is also a provision that says the District can resend the resolution.

Mr. Dillon explained that he has added the forms to the resolutions. In the future he will have the applicant sign a form that says they certify that the information is true and that they do not have any intention of developing the lot.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 13-11-05 with the changes recommended by Commissioner Tobin. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Commissioner Brooks stated that he voted yes for the Resolution No. 13-11-05 but he does not like doing it that way.

RESOLUTION NO. 14-11-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF GENE BRIAN DEMAMBRO FOR DESIGNATION OF A TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 14-11-05 with the changes recommended by Commissioner Tobin. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		

Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Commissioner Brooks stated that he voted yes for the Resolution No. 14-11-05 but he does not like doing it that way.

RESOLUTION NO. 16-11-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE FINAL ASSESSMENT RESOLUTION 10-08-05 BY ADDING A TAX PARCEL AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Mr. Dillon explained that the property owners requested that service be provided to their parcel which was not originally included in the current project.

MOTION: Commissioner Brooks made a motion to approve Resolution No. 16-11-05. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

RESOLUTION NO. 17-11-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE FINAL ASSESSMENT RESOLUTION 10-08-05 BY ADDING TWO SERVICE CONNECTION TO THE SUBJECT PARCEL AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Mr. Dillon explained that this parcel consists of two lots and the owner would like service to each lot.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 17-11-05. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent

Chairman Patton	X		
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Motion passed 4 to 0

RESOLUTION NO. 18-11-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ANTHONY AND MARY SCARLETT FOR DESIGNATION OF A TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2005 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Mr. Dillon explained that this parcel is being sold for conservation purposes.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 18-11-05. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Financial Officer's Report

Pending Payments List of November 16, 2005

Martin Waits presented the pending payments list.

MOTION: Commissioner Tobin made a motion to approve the pending payment list of November 16, 2005 contingent upon availability of funds. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Legal Counsel Report

Distinct Lien Rights

MOTION: Commissioner Brooks made a motion to move the District Lien Rights item to action. Commissioner Bauman seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Mr. Dillon explained that at the current time that the District does not have lien authority. He would like to have direction to take the issue of the District having Lien Authority, similar to the FKAA, to Representative Sorenson.

MOTION: Commissioner Brooks made a motion to direct staff to take the issue of the District having Lien Authority, similar to the FKAA, to Representative Sorenson. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Designated Board Seats for the Election

Commissioner Tobin did not have any preference.

Commissioner Brooks explained that he would like to see designated seats because the incumbent should run on his record.

Commissioner Brooks made a motion to move the item to an action item. The motion was withdrawn by Commission Brooks after discussion.

Commissioner Bullock had no preference.

Chairman Patton felt that if the Seats were designated by a specific area it would be all right but if the districts for the Seats are not identified then it would not serve the public interest.

MOTION: Commissioner Tobin made a motion table the Designated Board Seats item. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

One-Year Notice to Calusa Camp-Ground

Commissioner Bullock stated that the letter should spell out that the Condo Association has to comply with the District's Rules and Regulations.

Mr. Dillon explained that the letter will not be the only contact with the Condo Association.

Discussion of the letter followed.

MOTION: Commissioner Bullock made a motion to table the One Year Notice to Calusa item. Commissioner Tobin seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Resolution for Non-Ad valorem Assessment

Mr. Dillon explained that his plan for the resolution for non-ad valorem assessment for the next year is to bring it to the Board at the December 21, 2005 meeting.

Mr. Dillon reported that he has been working on the CPH Force Main contract. A bid package should be able to be issued at the end of the year for construction on the transmission line.

Engineer's Report

RESOLUTION NO. 15-11-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING MONROE COUNTY TO WAIVE ALL PLANNING AND PERMITTING FEES FOR REQUIRED PERMITS, FOR THE KEY LARGO WASTEWATER TREATMENT DISTRICT WAIVED

Mr. Dillon explained that if the Board passes Resolution No. 15-11-05 then the District will not be able to charge the County for any connection cost.

MOTION: Commissioner Tobin made a motion to approve Resolution No. 15-11-05. Commissioner Bullock seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

KLWTD Property Info Database

Chairman Patton reported that he was been working with staff on a database to track inspections of the Districts' serviced properties.

Mr. Dillon reported that he has written an RFQ for billing services. Staff is looking into a software program to track the properties and handle billing and staff is still working with FKAA concerning the District's customer billing.

General Manager's Report

Vacuum Station Lot Purchase Program

Charles F. Fishburn, General Manager reported that he is ready to sign a contract at the end of December on the first lot that is needed for the Lake Surprise/Sexton Cove Project.

MSTU Ten Percent Reduction

Charles Fishburn pointed out that the District's MSTU had been cut by 10%. He has drafted a letter to the County Manager asking that the District be included in any decision about the MSTU next year.

Commissioner Brooks stated that in his opinion the letter is premature and the timing is bad. The County Administration currently has a lot of issues with the storms and clean up and so forth. Commissioner Brooks feels that if the District wants to be involved with the decisions about the KLWTD District MSTU then all that has to be done is to pay attention around budget time next year. He pointed out that the property value has been increased by 16% or better and the drop was only 10% so the District is still ahead. Commissioner Brooks feels that it is a matter of cooperating with the County in trying to reduce the tax burden on people that the District is going to be collecting any where from \$60 to \$75 a month from.

Chairman Patton stated that it is an issue and the District needs to watch what the rate is. The County Manager, Mr. Willi needs to be put on notice, but it is a matter of timing.

Staff was directed to bring back the letter to the County in April of 2006.

Commissioner's New Items and Roundtable

Chairman Patton pointed out that the Board would like to have the issues RFQ for Billing brought back to the next meeting; rates for RV's and Commercial and Non Commercial properties are to be brought back.

The resolutions relating to the parcels are to be brought back.

Adjournment

The KLWTD Board adjourned the meeting at 8:46 PM.

The KLWTD meeting minutes of November 16, 2005 were approved on December 7, 2005

A handwritten signature in blue ink, appearing to read "Glenn Patton", written over a horizontal line.

Chairman Glenn Patton

A handwritten signature in blue ink, appearing to read "Carol Walker", written over a horizontal line.

Carol Walker, CMC
Board Clerk

EXHIBIT "A"

MEMORANDUM

FROM: Thomas M. Dillon, Attorney at Law
P.O. Box 370736
Key Largo, Florida 33037-0736

Tel: 305-240-1767
Fax: 305-853-2693
E-mail: lawtmd@bellsouth.net

To: Key Largo Wastewater Treatment District

Date: June 7, 2005

Subject: Interlocal Agreement redraft

I received the revised Interlocal Agreement this morning. My comments follow:

General:

There are a number of instances in which the draft Agreement expressed the requirement for County approvals or decisions. In my earlier comments, I inserted the requirement that the approvals or decisions be made in the reasonable discretion of the County. The County has rejected these suggestions. Although my preference would be to include the additional terms, I believe that their inclusion is not critical, since the obligation of good faith and fair dealing is implied in every Florida contract.

1. The definition paragraph for "Bond Documents" makes reference to the County Bond Resolution No. 077-2003 and "all other documents pertaining to the issuance by the County of the County Bonds." I have the Bond Resolution, but I do not know the nature or contents of the other documents.

2. The Agreement incorporates several terms relating to costs, and the terms are defined inconsistently, to wit:

- "County Costs" (pp. 4 – 5) include two kinds of costs: the costs incurred by the County in connection with bond issuance, and the costs incurred by the County in connection with drafting and administering the Agreement.
- "Project Costs" (p. 6) include the costs of designing, permitting, and constructing the North Components, as well as any other "Costs" as defined in Bond Resolution No. 077-2003. That definition includes the costs incurred by the County in connection with bond issuance, a component of "County Costs." However, the definition of "Project Costs" excludes "County Costs." Therefore, it is not clear exactly what is included in "Project Costs." It appears that
 - the District costs of designing, permitting, and constructing the North Improvements is included;
 - the County's costs of drafting and administering the Agreement are excluded; and

contractor who negligently causes an accident that leads to a claim against the District. It is difficult to see why the District should agree in advance to release that County employee or contractor from liability.

10. § 3.02(9). This paragraph requires the District to guarantee the schedule for the work. It is a well-known and commonly-accepted fact that a construction project without delays is an extremely rare occurrence. The District should not make a commitment greater than the commitment to exercise due diligence to comply with the schedule. The County rejected my suggestion to change this paragraph.

11. § 3.02(13). This new paragraph requires County approval of any District management contract, imposes a significant restriction on the District's flexibility to manage the facilities. It would require County approval of a contract with a General Manager, Finance Officer, Clerk, or plant operator. It should be deleted. Note that this term was formerly in Section 3.03, and the District requested deletion of the term.

12. § 4.08. This section requires that the County's Engineering Department approve all requests for reimbursement. I have no knowledge allowing me to conclude that the County has adequate or capable engineering staff to conduct reviews in a timely manner, raising Prompt Payment Act questions. I am also concerned that the District will be charged for extensive County staff reviews that are redundant to the District's own engineering reviews, reducing funds available for construction. I had suggested that the certification by the District and its engineer would be sufficient, but this suggestion has been rejected.

13. § 4.09. This new section allows for a one-time advance of \$1,000,000 to the District. I question whether a one-time advance is adequate, and I recommend that the advance be replenished as the District expends the funds. Otherwise, I am concerned about prompt payment issues.

14. § 5.05(3). In my earlier comments, I recommended deletion of the following sentence:

The County and the District recognize that the total capital cost of providing wastewater service to future users of the Key Largo Sewer System exceeds Ten Thousand Dollars (\$10,000) per EDU.

The suggestion was rejected. Unless the District agrees that this statement is true, I recommend deletion of the sentence.

15. § 6.01 (1) and (2). These paragraphs require strict compliance with the provisions of the Agreement. I had suggested that the District's obligations be to comply substantially with the Agreement. Substantial compliance means that the District will be responsible for compliance with all material provisions of the Agreement, but that minor or insignificant deviations that do not cause prejudice to the County will not result in the District being in default.

16. § 7.07. This new section permits either party to

apply for, seek, and obtain federal and state funds to further the purpose of this Agreement; provided that all applications, requests, grant

- the County's costs in connection with bond issuance are included and excluded at the same time, a logical impossibility.
- For some reason, none of the "County Costs" are included in the preliminary list of Project Costs in Appendix A. As noted below with respect to "Reimbursement Amount," without knowing the amount of the County Costs, the District cannot determine how much of the \$20,000,000 is available to the District for design, permitting, and construction.

3. The definition paragraph for "Equivalent Dwelling Unit" specifies that each single family home, condominium unit, and mobile home is at least one EDU. I believe this to be consistent with the approach the District may elect. However, since the Board has not yet done so, I recommend deletion.

4. The definition paragraph for "Project Costs" includes a new sentence that costs expended by the District prior to the effective date of the Agreement are subject to review and approval by the County's bond counsel. It is appropriate to make the expenditures subject to bond counsel review and approval, but the Agreement should include the standard of review, i.e., whether use of the bond funds for the expenditures is consistent with the requirements of Section 3.02(12) of the Agreement. Further, the Agreement should provide that such Project Costs are reimbursable unless bond counsel determines that reimbursement would not meet the standard of review.

5. The term "Senior Revenue Obligations" has no meaningful place in this Agreement, since it refers to District obligations that cannot occur. I recommend deletion.

6. In the definition paragraph for "Reimbursement Amount", that amount is defined as \$20,000 less County Costs, i.e., costs incurred by the County in connection with issuing the bond, as well as costs incurred by the County to perform the review, inspection, audit and monitoring functions identified in this Agreement. See pp. 4 -5. Since County Costs are not quantified in the Agreement, the amount available for reimbursement to the District for design, permitting, and construction is not known, and that amount could be significantly less than \$20,000,000.

7. In the definition paragraph for "System Development Charge," the words "levied upon and collected by the District from new users of the System as a contribution toward their equitable share" should be changed to "collected by the District as a contribution toward costs."

8. § 2.01. The word "System" should be changed to "North Components." Also, the District should review the numbers in this section to determine their accuracy.

9. § 3.02(6). This paragraph requires the District to release the County and its personnel and contractors. The County rejected my suggestion to limit the District's release of County personnel and contractors from any claim in connection with the District's actions or omissions in connection with the project. The District suggested that only county personnel "involved in effectuating this Agreement" be released. I believe that without the limitation, the release may lead to unintended consequences, i.e., that the release may be applied in favor of persons whose actions give rise to a claim against the District, but whose activities were not related to effectuation of the Agreement. For example, the release, as written, would benefit a County employee or

proposals, and funding solicitations shall be approved by each party prior to submission.

The purpose of this section is unclear. To the extent that it applies only to the improvements to be made with funds given the District under this Agreement, the provision may be acceptable. If the section is intended to preclude the District from ever applying for federal or state funds without County approval, the section would severely limit the District's ability to obtain state and federal funding. The section also gives the District the authority to veto County requests for state and federal funding.

17. §8.02. This section includes the following sentences:

The proceeds of insurance policies received as a result of damage to, or destruction of, the Project or other parts of the Key Largo Sewer System as may be required to operate the Project shall be used to restore or replace damaged portions of the facilities. If such proceeds are insufficient, the District shall provide additional funds to restore or replace the damaged portions of the Project or other portions of the Key Largo Sewer System.

I had suggested removal of the second sentence, but my suggestion was rejected. I think that it is not appropriate for this Agreement to impose a replacement requirement on the District, either for components that are part of the Project, or for other components. The District should retain the discretion to provide wastewater service in any way that is reasonable at the time of the incident, as opposed to being required to replace specific components that may be functionally obsolete or otherwise not desirable.

Page 35

§ 9.02(1). This paragraph requires the District to use the design/build method of project delivery. I had earlier requested that requirement be deleted, but my suggestion was rejected.

§ 9.02(2). This paragraph does not reflect changes made to § 4.02, which shows that most project components will be in easements. The District will not, to the best of my knowledge, be obtaining any new property interests for the northern expansion.

§ 9.02(3) – (6). These dates need to be reviewed.

Pages 35 – 36.

§ 9.04. This paragraph improperly requires the District to provide a legal opinion to the County as to the effects of delays on County bonds. This should be revised to require only that the District will advise the County of any schedule changes.