Key Largo Wastewater Treatment District
103355 Overseas Hwy, Key Largo, FL
Tuesday, January 7, 2020

MINUTES

CALL TO ORDER (A)
Chairman Asdourian called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE (B)
Mr. Kevin Becerra led the Pledge of Allegiance.

ROLL CALL (C)
Present were Chairman David Asdourian and Commissioners Nicolas Rodriguez and Robert Majeska. Commissioner Andrew Tobin and Susan Heim appeared telephonically. Also present were General Manager, Peter Rosasco; General Counsel, Nicholas Mulick; District Clerk, Diane Bockelman; District Managers, Connie Fazio, Ryan Dempsey, Mike Dempsey, and Jered Primicerio; District Engineer, Steve Suggs; and IT Support Analyst, Kevin Becerra.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS (D)
Approval of Agenda (D-1)

Motion: **Commissioner Majeska made a motion to approve the agenda as proposed. Commissioner Rodriguez seconded the motion. The motion passed without objection.**

PUBLIC COMMENT (E)
No speakers.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS (F)
Minutes of December 10, 2019 (F-1)
Commissioner Heim requested that Item M-1 title and description be amended to read, *Retaining Outside Counsel for the Big Chill Matter.* The item will be brought back for action at the next Board meeting.

Motion: **Commissioner Majeska made a motion to approve the minutes of the December 10, 2019 meeting as amended by Commissioner Heim. Commissioner Heim seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Commissioner Heim - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Nay
Chairman Asdourian - Aye
Motion Passed: 4 to 1

GENERAL MANAGER'S REPORT (G)

November 2019 Monthly Report (G-1)

Mr. Primicerio, Plant Operations Manager, presented the wastewater treatment plant section. Mr. Mike Dempsey, Field Operations Manager, presented the field operations section. Mr. Ryan Dempsey, Maintenance Manager, presented the maintenance section. Mr. Suggs presented the construction section. Mr. Becerra presented the IT section. Ms. Bockelman presented the administration and customer service section. Ms. Fazio, Senior Finance Manager, presented the finance section.

Florida Keys Day 2020 (G-2)

Mr. Rosasco presented the 2020 Florida Keys Day Sponsorship Packages and announced that he, Mr. Mulick and Commissioners Rodriguez and Majeska will attend the event.

Motion: **Commissioner Rodriguez made a motion to approve the Sergeant at Arms sponsorship for $500. Commissioner Majeska seconded the motion.**

Vote on Motion

Commissioner Rodriguez - Aye
Commissioner Majeska - Aye
Commissioner Heim - Aye
Chairman Asdourian - Aye
Motion Passed: 4 to 0

Army Corps of Engineers Funding Update (G-3)

Mr. Rosasco presented a memo from Hicks-Richardson Associates and letter from the South Florida House Delegation to Assistant Secretary of the Army for Civil Works in support of providing Fiscal Year 2020 Environmental Infrastructure funding for the ongoing Florida Keys Water Quality Improvement Program (FKWQIP).

February Board Meeting Schedule (G-4)

Chairman Asdourian proposed rescheduling the 2020 Board meetings in February and March to: February 11, February 25, March 10 and March 24.

Motion: **Commissioner Majeska made a motion to approve Chairman Asdourian suggestion. Commissioner Rodriguez seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Commissioner Heim - Aye
Chairman Asdourian - Aye
Motion Passed: 5 to 0

Islamorada Wastewater Service Letter (G-5)

Mr. Rosasco submitted for the Board's consideration a proposed Wastewater Service Rate letter to Islamorada, Village of Islands (Islamorada) Manager, Seth Lawless. Mr. Lawless addressed the Board on the matter.

Motion: **Commissioner Rodriguez made a motion to approve sending the Wastewater Service Rate letter as written. Commissioner Majeska seconded the motion.**

Vote on Motion

Commissioner Rodriguez - Aye
Commissioner Majeska - Aye
Commissioner Tobin - Abstain
Chairman Asdourian - Aye
Motion Passed: 3 to 0

FirstNet Communications (G-6)

Mr. Becerra presented a chart setting forth several options for conversion to AT&T's FirstNet program.

Motion: **Commissioner Majeska made a motion to approve AT&T FirstNet Minimal option with 10 phones. Chairman Asdourian seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Chairman Asdourian - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Commissioner Heim - Aye
Motion Passed: 5 to 0

BUDGET AND FINANCE REPORT (H)

No report.

ADMIN AND CUSTOMER SERVICE REPORT (I)

Reversal of Waiver – AK#1650609 – 104 Poinciana Drive (I-1)

Ms. Bockelman presented a request by the owner of AK#1650609, located at 104 Poinciana Drive, for reversal of waiver and reinstatement of wastewater service.

Motion: **Commissioner Majeska made a motion to adopt Resolution 01-2020 approving the request. Commissioner Rodriguez seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Chairman Asdourian - Aye
Motion Passed: 4 to 0

Exemption – AK#1670570 – Monroe County Owned Road (I-2)

Ms. Bockelman presented a request by Monroe County for exemption of AK#1670570, Monroe County-owned right-of-way for which wastewater treatment services will not be made available.

Motion: **Commissioner Heim made a motion to adopt Resolution 02-2020 approving the request. Commissioner Majeska seconded the motion.**

Vote on Motion

Commissioner Heim - Aye
Commissioner Majeska - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Chairman Asdourian - Aye
Motion Passed: 5 to 0

OPERATIONS REPORT (J)

No report.

CONSTRUCTION REPORT (K)

No report.

ENGINEER'S REPORT (L)

Vessel Pump Out, High Strength Users & CBOD Results (L-1)

Mr. Suggs presented a report stating that the discharges tested for high levels of CBOD are not currently detrimental to the performance of the Wastewater Treatment Plant. Staff will continue to discuss the matter with Monroe County and monitor for emerging issues related to high strength discharge.

LEGAL REPORT (M)

Ratification of Retaining Outside Counsel for the Big Chill Matter (M-1)

The Board discussed the matter.

Motion: **Commissioner Majeska made a motion to ratify the retainer agreement with Gelber Schachter & Greenberg, P.A. Commissioner Rodriguez seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Commissioner Heim - Nay
Chairman Asdourian - Aye
Motion Passed: 4 to 1

Request for Closed Session to Discuss Big Chill Litigation Case No. 19-CA-175-P (M-2)

Mr. Mulick requested an attorney-client closed session regarding the matter of Fisherman's Restaurant and Conference Center, LLC, Senor Frijoles, LLC, and Big Chill, LLC, vs. Key Largo Wastewater Treatment District, Case Number 19-CA-175-P to be held on January 21, 2020 at 5:00 PM.

Motion: **Commissioner Heim made a motion to approve the attorney-client closed session. Chairman Asdourian seconded the motion.**

Vote on Motion

Commissioner Heim - Aye
Chairman Asdourian - Aye
Commissioner Rodriguez - Aye
Commissioner Majeska - Aye
Commissioner Tobin - Aye
Motion Passed: 5 to 0

COMMISSIONERS' ITEMS (N)

Reduction of KLWTD Monthly Billing Rates Letter to Customers (N-1)

Mr. Rosasco submitted a proposed letter informing the District's customers of the recent billing rate reduction. The Board discussed several revisions to the letter.

Motion: **Commissioner Majeska made a motion to authorize the General Manager to revise the letter then mail to customers and publish in the Free Press and Upper Keys Weekly. Commissioner Heim seconded the motion.**

Vote on Motion

Commissioner Majeska - Aye
Commissioner Heim - Aye
Commissioner Rodriguez - Aye
Commissioner Tobin - Aye
Chairman Asdourian - Aye
Motion Passed: 5 to 0

ROUNDTABLE DISCUSSION (O)

Unfinished Business (O-1)

ADJOURNMENT (P)

The Meeting was adjourned at 5:51 PM.

David Asdourian, Chairman

Diane Bockelman, Clerk

Seal

Handout
Item G-3 01/07/2020
ACOE Funding Update

HICKS-RICHARDSON ASSOCIATES
P.O. BOX 2115
SPRINGFIELD, VA 22152-0115

FRED B. HICKS Ph.D
Managing Partner

TEL 703-866-4290
CELL 703-626-5384
Email: fbhicks@aol.com

January 3, 2020

TO: Key Largo Wastewater Treatment District

FROM: Hicks-Richardson Associates

SUBJECT: Status Update for the FY2020 Energy and Water Appropriations Bill

The Florida Keys Water Quality Improvement Program [FKWQIP] is funded out of the Army Corps of Engineers Environmental Infrastructure account that is, in turn, a part of the annual Energy and Water Appropriations bill. The Army Corps does not request Environmental Infrastructure funding in the President's annual budget leaving it instead to the Congress to provide money each year for the Environmental Infrastructure [EI] program. It is the mission and the goal of the annual FKWQIP Washington DC trip to generate support among the Florida Congressional Delegation for EI to be made a part of the Corps' annual budget.

For FY2020, the House provided $100 million for EI in its version of the Energy and Water Appropriations bill while the Senate provided $80 million. These two different figures were one of the many items which were resolved in the late December final version of the bill. House and Senate Appropriations negotiators settled on the higher House version of $100 million as the final funding figure for the current fiscal year. The FY2020 Energy and Water Appropriations Bill was part of a "mini-bus" package that included 7 other Appropriations bills.

The package passed on December 17 in the House by a vote of 297 to 120 and by 71 to 23 on December 19 in the Senate. President Trump signed the "mini-bus" into law as PL 116-94 on December 20. The strong final funding figure of $100 million is a tribute to the years of work by the FKWQIP agencies and other colleague agencies from around the country who have educated the Congress with regard to the value of the Corps Environmental Infrastructure Program. Next step in the process is for the Corps to submit a FY2020 Work Plan to the House/Senate Energy and Water Appropriations Subcommittee documenting how the EI funds are to be spent.

The Work Plan is due to be submitted on or about February 20, 2020. The District and the other local sponsors have already written to the Assistant Secretary of the Army for Civil Works asking for consideration to be included in the Work Plan. They were joined by six Members of the South Florida House Delegation in a December 20th letter to the Assistant Secretary. We will continue to advocate for FY2020 funding in the New Year as we also plan for your annual visit to DC in support of FY2021 EI funding. This will once again be an opportunity to demonstrate solid project accomplishments and also "Keys Unity."

Congress of the United States
Washington, DC 20515

December 20, 2019

The Honorable Rickey Dale "RD" James
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Assistant Secretary James:

We write in strong support of the City of Marathon, Village of Islamorada, and the Key Largo Wastewater Treatment District, Florida in their efforts to obtain Fiscal Year 2020 Environmental Infrastructure funding for the ongoing Florida Keys Water Quality Improvement Program (FKWQIP).

FKWQIP is replacing sewage treatment systems with state-of-the-art central sewer collection and wastewater treatment systems in the ecologically sensitive area of the Florida Keys. The project benefits both residents and visitors to South Florida and the National Marine Sanctuary ecosystem.

To date, FKWQIP local sponsors have received $61.467 million in federal funding for this project. This funding, coupled with substantial local funding, has helped to meet the required water quality standards designed to protect and restore the near shore waters of the Florida Keys National Marine Sanctuary. All three local sponsors have the demonstrated ability to obligate Fiscal Year 2020 funds within the fiscal year and to complete separable elements with the funds allocated.

Established in 1990, the Sanctuary is a flag-ship marine space in the federal sanctuary program and is the world's third largest coral reef system, protecting the only living barrier coral reef in the continental United States. Mitigating the effects of land-based pollutants, primarily wastewater discharge from storm water runoff, will help ensure this national treasure in South Florida is protected for years to come.

In order to meet the environmental protections for the Sanctuary and coastal areas overwhelmingly owned by Federal and State governments, Keys residents will pay for water treatment standards that are four times more stringent than most any other location in the nation. The FKWQIP helps alleviate some of these costs.

The fiscal year 2020 appropriations package provides $100 million for the Environmental Infrastructure account within the Army Corps Civil Works Division. As the Army Corps of Engineers reviews projects for the FY 2020 Work Plan, we ask that you give full and fair consideration to our efforts to obtain Environmental Infrastructure funding. With additional funding, the local sponsors can continue to protect a vital national resource.

Sincerely,

Debbie Mucarsel-Powell
Member of Congress

Donna Shalala
Member of Congress

Mario Diaz-Balart
Member of Congress

Ted Deutch
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Frederica Wilson
Member of Congress

PRINTED ON RECYCLED PAPER

RESOLUTION NO. 01-2020

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ("THE DISTRICT") APPROVING THE REQUEST BY LOT 12 GULF DR LLC ("THE OWNER") FOR REINSTATEMENT OF ASSESSMENT OF ONE TAX PARCEL TO THE 2008 NON-AD VALOREM WASTEWATER ASSESSMENT ROLL; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the District assessed the vacant parcel listed below in Section 1 ("the Subject Tax Parcel") via Resolution No. 12-06-08, dated June 17, 2008; and

WHEREAS, in accordance with Section 10.06(a)(i) of the District's General Rules and Regulations, the District is authorized to remove from its non-ad valorem wastewater assessment vacant tax parcel(s) in common ownership with an adjacent improved tax parcel assessed by the District, provided that the vacant tax parcel is subsidiary to the use of the improved tax parcel and will not be improved with structures or facilities capable of generating wastewater that will enter the District's wastewater facilities; and

WHEREAS, having determined that the Subject Tax Parcel satisfied the criteria set forth in Section 10.06(a)(i), the District granted the Owner's request to exclude the Subject Tax Parcel from the non-ad valorem wastewater assessment roll; and

WHEREAS, Key Largo Wastewater Treatment District's Waiver of Wastewater Service and Acknowledgement of Potential Costs removing the Subject Tax Parcel from the District's 2008 Non-ad Valorem Wastewater Assessment Roll was recorded in the Office of the Monroe County Clerk of Court, in Official Records Book 2448, at Page 190 on January 8, 2010; and

WHEREAS, the Owner of the Subject Tax Parcel has requested that it be restored to the non-ad valorem wastewater assessment roll; and

WHEREAS, the District finds good and sufficient cause to approve the request of the Owner to restore the Subject Tax Parcel to the District's 2008 Non-ad Valorem Wastewater Assessment Roll.

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

Section 1.
PARCEL ID: 00531410-000000 AK NO.: 1650609

LEGAL DESCRIPTION: Lot 19, Block 9, HOLIDAY HOMEISTES, according to the plat thereof, as recorded in Plat Book 2 at Page 168 of the Public Records of Monroe County, Florida.

Section 2. AMENDMENT OF RESOLUTION. Resolution No. 12-06-08, dated June 17, 2008 is hereby amended to include the Subject Tax Parcel.

Section 3. PAYMENT OF SIC. The owner has paid the SIC in the amount of **$6,395.00**.

Section 4. APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.

Section 5. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this Resolution.

RESOLVED AND ADOPTED THIS 7TH DAY OF JANUARY 2020.

The foregoing RESOLUTION was offered by Commissioner Majeska, who moved for its adoption. The motion was seconded by Commissioner Rodriguez, and being put to a vote, the result was as follows:

	AYE	NAY
Chairman Asdourian	✓	
Commissioner Heim		
Commissioner Majeska	✓	
Commissioner Rodriguez	✓	
Commissioner Tobin	✓	

The Chairman thereupon declared this Resolution duly passed and adopted this 7th day of January 2020.

KEY LARGO WASTEWATER TREATMENT DISTRICT

David Asdourian, Chairman

ATTEST:

Diane Bockelman, District Clerk

Approved to as to form and legal sufficiency:

By: Nicholas W. Mulick, General Counsel

SEAL

RESOLUTION NO. 02-2020

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ("THE DISTRICT") APPROVING THE REQUEST BY MONROE COUNTY FOR THE EXCLUSION OF ONE TAX PARCEL FROM THE 2006 NON-AD VALOREM WASTEWATER ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the District assessed the vacant parcel listed below in Section 1 ("the Subject Tax Parcel") via Resolution No. 28-08-06, dated August 9, 2006; and

WHEREAS, In accordance with the provisions of Section 10.04(a) of KLWTD's General Rules and Regulations ("KLWTD R&R"), Monroe County ("The Owner") has submitted a request that the subject tax parcel be excluded from the 2006 Final Assessment and classified as Exempt; and

WHEREAS, in accordance with Section 10.05(d) of the KLWTD R&R, the District is authorized to exclude from its non-ad valorem wastewater assessment roll, vacant tax parcel(s) that cannot be improved due to physical conditions of the property that preclude improvement; and

WHEREAS, pursuant to Section 10.04(d) of the KLWTD R&Rs, the Owner has certified and agreed that if they or any subsequent Owner later desire wastewater service to the Subject Tax Parcel, they must pay the full direct and indirect District costs of providing the same.

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

Section 1. PARCEL ID: 00547100-000000 AK NO.: 1670570

LEGAL DESCRIPTION:

A parcel of land lying within the Easterly 50.00 feet of Lot 38, Block 6 of WINSTON WATERWAYS NO. 2. As recorded in Plat Book 5 at Page 29, of the Public Records of Monroe County, Florida, extended Southerly to the edge of water, and lying In the Southeast 1/4 of Section 22, Township 61 South, Range 39 East; being more particularly described as follows:

BEGINNING at the intersection of the Northerly line of said Lot 38 and the Westerly right of way line of La Paloma Road. as shown on said Plat of WINSTON WATERWAYS NO. 2. said point also being the Southeast corner of Lot 37 of said Block 6: thence N66°34'04"E, along said Northerly line of Lot 38, for a distance of 50.00 feet to the Northeast corner of said Lot 38: thence S23°25'56"E, along the Easterly line of said Lot 38 and its Southerly extension, for a distance of 94.16 feet to the edge of water; thence meander Southwesterly along the edge of water, as approximated by a non-tangent curve concave to the southeast, having a radius of 1,140.16 feet, a chord bearing of SS6°54'16"W and a chord distance of 50.72 feet; thence Southwesterly along the arc of said curve and said edge of water, through a central angle of 02°32'56". for an arc distance of 50.72 feet to a point on the Westerly line of the Easterly 50.00 feet of afore said Lot 38, extended Southerly: thence N23°25'56"W, along lastly said line, for a distance of 102.68 feet to the POINT OF BEGINNING. Containing 4,914 square feet, more or less

Section 2. *Recitals.* The above recitals are true and correct and incorporated into this Resolution by reference.

Section 3. *Approve Exemption.* The Board finds that there is good and sufficient cause to approve the Owner's request to exclude the Subject Tax Parcel from the 2006 Final Assessment Roll.

Section 4. *Exempt Tax Parcel.* As of the effective date of this Resolution, the SDC imposed on the Subject Tax Parcel shall be removed and the property classified as Exempt.

Section 5. *Effective Date.* This Resolution shall be effective upon adoption by the Board.

Section 6. *Implementation.* The General Manager and/or his designee is authorized to take all actions necessary to implement the terms of this Resolution.

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

	AYE	NAY
Chairman Asdourian	✓	
Commissioner Heim	✓	
Commissioner Majeska	✓	
Commissioner Rodriguez	✓	
Commissioner Tobin	✓	

The Chairman thereupon declared this Resolution duly passed and adopted the 7th day of January, 2020

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
David Asdourian, Chairman

Approved to as to form and legal sufficiency:

By: _____
Nicholas W. Mulick,
General Counsel

ATTEST:

By: _____
Diane Bockelman, Clerk

SEAL

Key Largo Wastewater Treatment District Seal