

# Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:  
March 18, 2025

Agenda Item Number: F-1

Action Required:  
Yes

Department: Legal  
Sponsor: Nicholas Mulick

Subject:  
**Minutes of March 4, 2025**

Summary:  
Staff to present the minutes of March 4, 2025, for approval.

**Reviewed / Approved**

**Financial Impact**

**Attachments**

Operations: \_\_\_\_\_  
Administration: \_\_\_\_\_  
Finance: \_\_\_\_\_  
District Counsel: \_\_\_\_\_  
District Clerk: \_\_\_\_\_  
Engineering: \_\_\_\_\_

\$  
  
Funding Source:  
N/A  
  
Budgeted:  
N/A

1. Minutes

Approved By:  Date: 3/11/2025  
General Manager



Key Largo Wastewater Treatment District  
103355 Overseas Hwy, Key Largo, FL  
Tuesday, March 4, 2025

## MINUTES

### **CALL TO ORDER (A)**

Chairman Rodriguez called the meeting to order at 4:00 p.m.

### **PLEDGE OF ALLEGIANCE (B)**

Mr. Ryan Dempsey led the Pledge of Allegiance.

### **ROLL CALL (C)**

Present were: Chairman Nicolas Rodriguez; Commissioners Sue Heim, Robert Majeska, Tim Maloney, and Philip Schwartz

Also present: General Manager Peter Rosasco; General Counsel Nicholas Mulick; District Clerk Shannon McCully; Finance Manager Connie Fazio; Field Manager Rudy Perez; Plant/Facilities Manager Ryan Dempsey; Weiler Engineering Ed Castle and Lexi Connor; IT Support Manny Santana

Appeared Virtually: Project Administration and HR Coordinator Laura Weinstock

### **AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS (D)**

*Approval of Agenda (E-1)*

Commissioner Majeska requested the addition of item *P-2 Solar Discussion*

Commissioner Heim requested the addition of items *P-1 General Rules Decision* and *P-3 South Cliff Update*

**Motion:** Commissioner Majeska made a motion to approve the agenda as amended. Commissioner Heim seconded the motion. Motion passed without objection.

### **PUBLIC COMMENT (E)**

No speakers.

### **APPROVAL OF MINUTES (F)**

*Minutes of February 18, 2025 (F-1)*

**Motion:** Commissioner Maloney made a motion to approve the minutes of February 18, 2025. Commissioner Schwartz seconded the motion. Motion passed without objection.

### **GENERAL MANAGER (G)**

*Upcoming Projects for KLWTD (G-1)*

Mr. Rosasco presented the ACOE project list.

*KLWTD Stewardship Project Listing 2018-2025 (G-2)*

Mr. Rosasco presented the Stewardship Project list for 2018-2025.

*Fiscal Impact of Changes to Rate Increase Implementation Date (G-3)*

Mr. Rosasco discussed the fiscal impact of changes to the implementation date for KLWTD's wastewater rate change.

**Motion:** Commissioner Maloney made a motion to accept Option #2 for future implantation dates for KLWTD's wastewater rate change.  
Commissioner Schwartz seconded the motion.

**Vote on Motion:**

**Commissioner Maloney – Aye**  
**Commissioner Schwartz - Aye**  
**Commissioner Majeska – Nay**  
**Commissioner Heim – Nay**  
**Chairman Rodriguez – Aye**

**CUSTOMER SERVICE (H)**

No report in agenda.

**IT (I)**

No report in agenda.

**BUDGET AND FINANCE (J)**

*Budget and Finance Report – January 2025 (J-1)*

Ms. Fazio present the Budget and Finance monthly report.

**FIELD (K)**

No report in agenda.

**PLANT/FACILITIES (L)**

*Plant/Facilities Report – January 2025 (L-1)*

Mr. Dempsey presented the Plant/Facilities monthly report.

**CAPITAL PROJECTS (M)**

No report in agenda.

**ENGINEERING (N)**

No report in agenda.

**LEGAL REPORT (O)**

No report in agenda.

**COMMISSIONER ITEMS (P)**

*General Rules Decision (P-1) (Laydown)*

Commissioner Heim requested Board input for editing KLWTD's Rules and Regulations.

*Solar Discussion (P-2)*

Commissioner Majeska requested an update on our Solar Power project.

*South Cliff Update (P-3)*

Mr. Mulick reported that South Cliff Estates owners have been notified in writing that the District is looking to South Cliff Estates for payment of the SIC in full. Mr. Rosasco reported that Mr. Pla

has requested a payment schedule comparable to that which was given to Monroe County under the ILA between the District and Monroe County. Mr. Rosasco informed the Board that the request will be placed on the Board's March 18, 2025, agenda.

**ROUNDTABLE DISCUSSION (Q)**

No report in agenda.

**ADJOURNMENT (R)**

The meeting was adjourned at 5:53 p.m.

\_\_\_\_\_  
Nicolas Rodriguez, Chairman

\_\_\_\_\_  
Shannon McCully, Clerk

Seal \_\_\_\_\_

Section 3.09 Customer Compliance with District Rules and Regulations.

- (a) The ~~owner~~ customer must comply with the District's rules and regulations as duly adopted or as they may subsequently be revised, or amended.
- (b) ~~The District has the right to refuse to provide service or discontinue service.~~ Failure to comply with the requirements of this subsection may result in a shut off ~~disconnection~~ of service.

Section 3.10 District License to Enter upon Property.

- (a) As a condition of connection to District wastewater service, the owner ~~and~~ or legal occupant of the property upon which required facilities extensions and connections are located grants a license to the District to enter upon the subject affected property for the following purposes:
  - (i) To inspect the installation or connection. The District has the right, but not the duty, to make on-site inspections.
  - (ii) To ~~discontinue and~~ shut off services to delinquent accounts.
  - (iii) To maintain, repair, replace or remove the District's property.
  - (iv) For other purposes incidental to performance or termination of wastewater service.
- (b) NEW.BLUE. In the event any person unlawfully prohibits or unreasonably impedes the District's access to the property, wastewater service may be shut off. ~~DELETE.RED.ORIGINAL. The owner may not impede free access to any District facilities or other infrastructure connected to or served by District facilities.~~
- (c) In the event the District is unable to obtain access, wastewater service may be shut off. ~~terminated.~~  
**BOARD DECISION**

Section 3.11 District Right to Refuse to Provide Service.<sup>19</sup>

~~No payment of costs, submittal of an application or other act to receive, Wastewater Service will guarantee such Service~~ The District has the right to refuse to extend service on the basis of a use detrimental to the system, lack of payment of required fees or charges, or for any other reason which, in the judgment of the District, applying sound engineering principles, will cause the extension not to be in the District's best interest.

Section 3.12 Discontinuance or Shutting Off ~~Termination~~ of Service.

The District may shut off ~~discontinue or terminate~~ wastewater service to any customer who violates the provisions of these rules, including, but not limited to, delinquency of any amounts owed the District.

<sup>19</sup> This heading revised by Resolution 18-10-10 on 10/05/10.

- (g) NEW.BLUE. Filing Form
- (i) The completed filing form must be submitted to the District Clerk using the US Postal service, or other third party service, facsimile, electronic mail (email) or in person to the District office.
  - (ii) Upon receipt by the District Clerk, the form shall be promptly time/date stamped.
- (h) NEW.BLUE. Staff Review
- (i) NEW.BLUE. The District may conduct one (1) or more informal discussions with the applicant and may request additional information and documentation.
  - (ii) NEW.BLUE. The filing form is not considered complete until all information and documentation have been received and deemed sufficient.
  - (iii) NEW.BLUE. District staff shall review, and if appropriate, recommend that the tax parcel be excluded.
  - (iv) NEW.BLUE. Staff shall endeavor to complete its review within fifteen (15) days after receipt of complete application.
  - (v) NEW.BLUE. Upon completion of its review, staff shall prepare and submit a recommendation to the Board.
  - (vi) NEW.;BLUE. The District Clerk shall transmit, by US Postal service and email, a copy of the staff's recommendation to the applicant.
  - (vii) NEW.BLUE. Within fifteen (15) days after receipt of staff's recommendation, if the applicant disagrees with staff's recommendation, the applicant may request the Board hold a public hearing on staff's recommendation. PROBLEM HERE – DO NOT NEED PUBLIC HEARING FOR CUSTOMER BC CUST CAN COME TO BOARD MTG TO DISCUSS. - IF BOARD AGREES WITH STAFF – THEN BOARD MAKES DECISION & THEN CUSTOMER CAN APPEAL BOARD DECISION – CUSTOMER CAN NOT APPEAL “STAFF” DECISION BC BOARD DID NOT DECIDE ANYTHING YET. THIS IS OUT OF SEQUENCE OF ODER OF PROCEDURE .
  - (viii) NEW.BLUE. The District Clerk shall endeavor to place staff's recommendation on the Board's regular meeting agenda not more than thirty (30) days after staff issues its recommendation.
- (i) NEW.BLUE. Board Consideration
- (i) NEW.BLUE. The Board may accept or reject staff's recommendation or may schedule a public hearing after concluding there are issues of material fact.
  - (ii) NEW.BLUE. The Board's decision shall be the District's final action on the request.

Section 10.05 Rescinded. ~~DELETED. RED. ORIGINAL.~~ ~~Excluded Parcels—Exemptions~~

~~DELETED. RED. ORIGINAL. 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. Parcel's must meet one or more of the following criteria:~~

- (a) ~~Rescinded. DELETE. RED. ORIGINAL 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 property.~~
- (i) ~~Rescinded. DELETE. RED. ORIGINAL—In such case, the deleted tax parcel shall not be subject to an SDC.~~

## Article XI. Billing and Payment for Service<sup>66</sup>

### Section 11.01 FCAA Billing.

The District has entered into a billing agreement with the Florida Keys Aqueduct Authority. FCAA's billing and payment procedures shall apply.

### Section 11.02 Direct Billing.

#### (a) Procedure:

- (i) The District may elect to bill customers directly. ~~for providing wastewater service.~~
- (ii) Customers shall be billed on a one (1) time, semi-annual, quarterly or monthly basis.
- (iii) See the District Fee Schedule ~~Section 9.03(e)~~ for billing charges.
- (iv) Billing ~~shall will~~ commence based on the earlier of terms of a signed agreement on initiation of service. ~~upon initiation of service or the mandatory connection date, whichever is earlier.~~
- (v) Payments for services are due and payable within thirty (30) days of receipt of the bill. Non-receipt of a bill by the customer ~~shall will~~ not release the customer from the duty to make reasonable inquiry as to the amount of the bill and prompt payment thereof, on or about its due date, in accordance with the customer's billing cycle.

#### (b) Returned Checks:

- (i) The District ~~shall will~~ impose a Returned Check Charge for each dishonored check that is returned by the bank. Only cash, cashier's checks, or money orders ~~shall will~~ be accepted as payment for checks which have been dishonored. The customer's account ~~shall will~~ be annotated upon receipt of a dishonored check. Issuance of two (2) dishonored payments within an eighteen (18) month period ~~shall will~~ preclude the acceptance of another check for a period of 12 months from date of settlement of the first dishonored check, or Bank Draft. During this time only cash, cashier's checks or money orders shall be accepted for payment.

#### (c) Delinquent Accounts:

- (i) An account ~~shall will~~ be considered delinquent if payment for service is not received by the District by the due date. If the due date falls on a weekend or official Holiday, the due date shall will be extended to the next business day. In the event partial payment of a bill is made, that portion of the bill not paid within thirty (30) days of billing ~~shall will~~ be considered delinquent.

**(ii) Delinquent Accounts shall will be charged a Delinquent Account Charge in the amount greater of \$4.00 or ten percent (10%) of the total amount that is the delinquent outstanding balance. LEAVE IN & USE BC INCREASING RATES -BOARD 2<sup>ND</sup> REVIEW.**

- (iii) Service may be ~~shut off discontinued~~ if the total delinquent amount that is past due is not received by the District within thirty (30) days after the due date.
- (iv) For service to be restored the customer must request restoration of service and pay all amounts due, including the applicable Service Charge.
- (v) In the event the account has been final billed as a result of account delinquency, service ~~shall will~~ not be restored until the customer has paid all applicable fees, outstanding balances due, and service charges.