

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

Meeting Date:
June 3, 2025

Agenda Item Number: F-1

Action Required:
Yes

Department: Legal
Sponsor: Nick Mulick

Subject:
Minutes of May 20, 2025

Summary:
Staff to present the minutes of May 20, 2025, for approval.

<u>Reviewed / Approved</u>	<u>Financial Impact</u>	<u>Attachments</u>
Operations: _____	\$	1. Minutes
Administration: _____		
Finance: _____	Funding Source:	
District Counsel: _____	N/A	
District Clerk: _____	Budgeted:	
Engineering: _____	N/A	

Approved By: 
General Manager

Date: 5-29-25



Key Largo Wastewater Treatment District
103355 Overseas Hwy, Key Largo, FL
Tuesday, May 20, 2025

MINUTES

CALL TO ORDER (A)

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

PLEDGE OF ALLEGIANCE (B)

Mr. Steve Suggs led the Pledge of Allegiance.

ROLL CALL (C)

Present were: Chairman Nicolas Rodriguez; Commissioners Timothy Maloney, Sue Heim, and Robert Majeska

Present Virtually (non-voting): Commissioner 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 Steve Suggs; IT Support Manny Santana

Appeared Virtually: Project Administration and HR Coordinator Laura Weinstock

Guest Appeared Virtually: Tony Grau, Grau and Associates

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS (D)

Approval of Agenda (E-1)

Commissioner Heim requested the addition of item *G-3 FKWQIP Update*

Peter Rosasco requested items *H-1, I-1, and M-1* be deferred to the June 3, 2025, meeting

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

PUBLIC COMMENT (E)

No speakers.

APPROVAL OF MINUTES (F)

Minutes of May 6, 2025 (F-1)

Motion: Commissioner Maloney made a motion to approve the Minutes of May 6, 2025. Commissioner Majeska seconded the motion. Motion passed without objection.

GENERAL MANAGER (G)

ACFR Presentation/Financial Audit Results for FY2024 (G-1)

Mr. Grau presented the 2024 Financial Audit Results.

KLWTD Board Mtg. Advertisement in Keys Weekly (G-2)

Mr. Rosasco discussed our Keys Weekly monthly advertisement. Item was tabled to a future date.

FKWQIP Update (G-3)

Mr. Rosasco gave an update on FKWQIP funding. No 2025 funding available.

CUSTOMER SERVICE (H)

Customer Service Report – April 2025 (H-1)

Deferred to June 3, 2025, meeting.

Douglas Rudd Abatement Request – 522 Ocean Cay Dr, AK No. 1556777 (H-2)

Mr. Irizarry presented an abatement request for AK No. 1556777 for approval.

Motion: **Commissioner Majeska made a motion to approve the request.**
 Commissioner Maloney seconded the motion.

Vote on Motion:

Commissioner Majeska - Aye
Commissioner Maloney – Aye
Commissioner Heim – Aye
Chairman Rodriguez – Aye

IT (I)

IT Report – April 2025 (I-1)

Deferred to June 3, 2025, meeting.

BUDGET AND FINANCE (J)

Budget and Finance Report – April 2025 (J-1)

Ms. Fazio presented the Budget and Finance monthly report.

FY2026 Budget and Assessment Calendar (J-2)

Ms. Fazio presented the 2026 Budget and Assessment Calendar.

FIELD (K)

Field Report – April 2025 (K-1)

Mr. Perez presented the Field monthly report.

PLANT/FACILITIES (L)

No report in agenda.

CAPITAL PROJECTS (M)

Capital Projects Report – April 2025 (M-1)

Deferred to June 3, 2025, meeting.

KLWTD Vacuum Stations Modifications Change Order #6 (M-2)

Mr. Suggs presented Change Order #6 for the Vacuum Stations Modification for approval.

Motion: **Commissioner Heim made a motion to approve Change Order #6.**
 Commissioner Maloney seconded the motion.

Vote on Motion:

Commissioner Heim – Aye
Commissioner Majeska – Aye
Commissioner Maloney – Aye
Chairman Rodriguez – Aye

KLWTD Power Conditioning Project Change Order #2 (M-3)

Mr. Suggs presented Change Order #2 for the Power Condition Project for approval.

Motion: **Commissioner Heim made a motion to approve Change Order #2.**
 Commissioner Maloney seconded the motion.

Vote on Motion:

Commissioner Heim – Aye
Commissioner Maloney – Aye
Commissioner Majeska – Aye
Chairman Rodriguez – Aye

Collection System Monitoring CO#6 (M-4)

Mr. Suggs presented Change Order #6 for the Collection System Monitoring project for approval.

Motion: **Commissioner Maloney made a motion to approve Change Order #6.**
 Commissioner Heim seconded the motion.

Vote on Motion:

Commissioner Maloney – Aye
Commissioner Heim – Aye
Commissioner Majeska – Aye
Chairman Rodriguez – Aye

ENGINEERING (N)

No report in agenda.

LEGAL REPORT (O)

91941 Tavernier LLC – 91941 Overseas Hwy, AK No. 1101851; Reso No. 08-2025(O-1)

Mr. Mulick requested adoption of Resolution 08-2025.

Motion: **Commissioner Heim made a motion to adopt Resolution 08-2025.**
 Commissioner Majeska seconded the motion.

Vote on Motion:

Commissioner Heim – Aye
Commissioner Majeska – Aye
Commissioner Maloney – Aye
Chairman Rodriguez – Aye

COMMISSIONER ITEMS (P)

Safety Committee Update (P-1)

Commissioner Maloney presented the KLWTD Safety Committee Progress Report for 5/20/2025 and invited the Board to the All-Employee Safety meeting 5/30/2025, 10 AM – 1 PM.

ROUNDTABLE DISCUSSION (Q)

No report in agenda.

ADJOURNMENT (R)

The meeting was adjourned at 5:43 p.m.

Nicolas Rodriquez, Chairman

Shannon McCully, Clerk

Seal_____

- 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 9.07(b)(iv) and Section 9.07(b)(v) below shall govern the request.
- 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:
 - a. the period beginning on the date of the installation of the irrigation or fire meter or,
 - b. the twenty-four (24) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.
- 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 9.07(b)(iv) and 9.07(b)(v) 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.
- (ii) **Monthly Volumetric Charge.** Except under one of the circumstances below and at the sole discretion of the General Manager, there shall be no adjustment of a Monthly Volumetric Charge for any given month. They include:
 - 1) The Customer provides proof of and FKAA confirms an error in the meter reading.

- 2) The Customer has properly filed for and successfully obtained a credit from FCAA under the FCAA Leak Abatement Program. The credit of Wastewater charges shall be calculated based upon \$4.26³² times the number of gallons that the FCAA has credited as part of their abatement credit divided by 1,000.

(b) Procedures for District review:

- (i) A Customer may request adjustment of monthly charges at any time within sixty (60) Days after the date of a bill for Wastewater Service. The District shall not be obligated to make any adjustment of monthly charges unless a written request is received within sixty (60) Days of the bill date, unless otherwise addressed in the provisions of this Section. The District may initiate a review and possible adjustment of monthly charges at any time.
- (ii) A Customer request for review must contain:
 - 1) 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;
 - 2) The rules, statutes, and other legal authority that the Owner contends form the basis for relief;
 - 3) A demand for the relief which the Owner believes is appropriate; and
 - 4) Such other information which the Owner believes to be material to the request for review.
- (iii) The request for review must be delivered to the District Customer Service Department where, upon receipt, it shall be appropriately logged and time stamped. Acceptable methods of delivery include US Postal Service or other third party delivery Service, facsimile, electronic mail (e-mail) or in person.
- (iv) The District staff shall review the request using the following process:
 - 1) District Staff will exercise due diligence to undertake review of a Customer request promptly. If practicable, District staff will issue a recommended decision to the Board within fifteen (15) Business Days after receipt of a completed Customer request for review.
 - 2) At any time prior to or during staff review, the District may conduct one or more informal discussions with the Owner, and may request additional information and documentation. A requested is not considered completed until after all additionally requested documentation has been submitted to the District.
 - 3) The Assessment Coordinator will review the EDU assignment of the Customer's account, using the methodology provided in the most recent non-ad valorem Assessment resolution under which the District assessed the Tax Parcel. If the Customer's account is one of two or more accounts for Service on a single Tax Parcel and the Assessment Coordinator finds that there is sufficient evidence to change the EDU assignment for the requested account, the Assessment Coordinator will also review the EDU assignment for the entire Tax Parcel and all other Customer accounts for Service on the Tax Parcel.
 - a) If the review results in a recommended increase in the EDU assignment for the Tax Parcel, the Assessment Coordinator will submit the increase to the Board for review under Paragraph (v), below. If the Board accepts the increased EDU assignment, the increased EDU assignment will apply to all future monthly charges and to all future non-ad valorem Assessments for the Tax Parcel.

³² Amended by Resolution 15-2022 on September 6, 2022 and supersedes Resolution 22-12-19.