RESOLUTION NO. 18-2026

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS TO REFUND TO THE COLLEGE OF THE FLORIDA KEYS THE SUM OF $39,374.52, REPRESENTING THE OVERPAYMENT OF THE MONTHLY BASE CHARGE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the Key Largo Wastewater Treatment District ("District") General Rules and Regulations ("R&Rs"), Section 8.02(G), each District customer receiving water from Florida Keys Aqueduct Authority ("FKAA") shall pay a monthly base charge; and

WHEREAS, in the case of non-residential customers, the amount of the monthly base charge is based on the number of equivalent dwelling units ("EDUs") assigned to the customer's account; and

WHEREAS, one EDU is equivalent to 167 gallons per day of water supplied by FKAA to the tax parcel; and

WHEREAS, in 2023, the College of the Florida Keys ("the College") completed construction of a new student campus facility at 106040 Overseas Highway, Key Largo, Florida; and

WHEREAS, Section 9.02(h) of the R&Rs provides that, in the case of new construction of non-residential facilities where there is no history of water supplied by FKAA for the tax parcel, the District shall use a reasonable method to estimate projected water consumption by the customer; and

WHEREAS, the District's engineer calculates the number of EDUs to be assigned to a tax parcel for the purpose of assessing a monthly base charge in reliance on projected water consumption data supplied by a customer's project development engineer; and

WHEREAS, the College's project development engineer submitted projected water consumption data equivalent to 35.6 EDUs; and

WHEREAS, the District Board of Commissioners ("Board") imposed a monthly base charge based on 35.6 EDUs based on the information provided by the College's project development engineer; and

WHEREAS, in accordance with Section 8.05(a) of the R&Rs, on May 27, 2026, the College requested a review of the tax parcel's EDU assignment used to calculate the monthly base charge; and

WHEREAS, pursuant to Section 9.02(a) of the R&Rs, District staff analyzed water consumption records provided by FKAA for the three-year period following imposition of the monthly base charge; and

WHEREAS, District staff determined that the average monthly rate of actual water consumption is equivalent to 2.2 EDUs; and

WHEREAS, because of the substantial discrepancy between the projected water consumption data supplied by the College's project development engineer (35.6 EDUs) and the results of the actual three-year consumption records (2.2 EDUs), staff conducted an in-depth analysis of the data and the methodology relied upon by the College's project development engineer to support the projected water consumption; and

WHEREAS, among other things, the projected water usage erroneously assumed that the campus facilities included a cafeteria and a swimming pool, and failed to take into account the installation of low-flow fixtures; and

WHEREAS, staff also determined that the projected water consumption was predicated on an inflated number of anticipated campus personnel; and

WHEREAS, based on the foregoing, staff has determined that the projected 35.6 EDUs was not calculated by using a reasonable method to estimate the projected water use generally applied in the State of Florida for the purpose of estimating water consumption; and

WHEREAS, in view of the unique and extraordinary facts and circumstances which resulted in the erroneous calculation of projected water consumption, staff recommends that the District refund the College the sum of $39,374.52 representing its overpayment of the monthly base charge over a 36-month period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Key Largo Wastewater Treatment District that:

Section 1. RECITALS. The above recitals are true and correct and incorporated into this Resolution by reference.

Section 2. REFUND. There shall be refunded to the College the sum of $39,374.52 representing its overpayment of monthly base charge over a 36-month period.

Section 3. PAYMENT. The General Manager or his designee is authorized to issue a check to the College in the amount of $39,374.52.

Section 4. EFFECTIVE DATE. This Resolution shall be effective upon its adoption by the Board of Commissioners.

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

	AYE	NAY
Chairman Rodriguez	✓	___
Commissioner Maloney	✓	___
Commissioner Schwartz	___	___
Commissioner Majeska	✓	___
Commissioner Hardee	✓	___

The Chairman thereupon declared this Resolution duly passed and adopted the 20th day of October 2026.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
Nicolas Rodriguez, Chairman

ATTEST:

_____
Shannon McCully, Clerk

Approved as to form
and legal sufficiency:

_____
Nicholas W. Mulick,
General Counsel

SEAL

Key Largo Wastewater Treatment District
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