

March 2<sup>nd</sup>

2005

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF  
COMMISSIONERS MEETING**

**AGENDA**

**Wednesday, March 2, 2005 at 5:00 PM**

**Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, FL**

**Charles Brooks  
Gary Bauman  
Andrew Tobin  
Glenn Patton  
Claude Bullock**

**Chairman  
Vice Chairman  
Secretary-Treasure  
Commissioner  
Commissioner**

.....  
**Charles F. Fishburn  
Thomas Dillon  
Carol Simpkins**

**General Manager  
District Counsel  
Board Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS**

**E. CONSENT AGENDA**

**F. APPROVAL OF MINUTES**

1. Feb. 16, 2005

(Action)

TAB 1

**G. PUBLIC COMMENT**

## **H. COMMISSIONER ITEMS**

- |    |  |              |
|----|--|--------------|
| 2. | Discussion of options in finding new rational ways to divide Federal Grant monies among Keys Governments.<br>Commissioner Bauman | <b>TAB 2</b> |
|----|--|--------------|

## **I. FINANCIAL OFFICER'S REPORT**

- |    |   |                 |              |
|----|---|-----------------|--------------|
| 3. | Pending Payments List                       | <b>(Action)</b> | <b>TAB 3</b> |
| 4. | Project Funding Status Report on KLTV & KLP |                 | <b>TAB 4</b> |
| 5. | TIB 150,000 Loan                            | <b>(Action)</b> | <b>TAB 5</b> |
| 6. | New TIB NOW Account                         | <b>(Action)</b> | <b>TAB 6</b> |
| 7. | County Bond Team                            |                 | <b>TAB 7</b> |

## **J. LEGAL COUNSEL REPORT**

## **K. ENGINEERS REPORT**

- |    |                       |              |
|----|-----------------------|--------------|
| 8. | Monthly Status Report | <b>TAB 8</b> |
|----|-----------------------|--------------|

## **L. GENERAL MANAGER'S REPORT**

- |     |  |                 |               |
|-----|--|-----------------|---------------|
| 9.  | Sexton Cove / Lake Surprise Engineer Selection | <b>(Action)</b> | <b>TAB 9</b>  |
| 10. | Haskell Change Proposal No. 9                  | <b>(Action)</b> | <b>TAB 10</b> |

## **ITEMS OF ONGOING CONCERN**

1. Procedures
2. Agency Coordination

## **M. ADJOURNMENT**

# TAB 1



**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. /

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

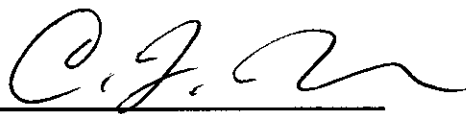
☐ Other:

SUBJECT: Minutes of February 16, 2005 Board Meeting

RECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> Board Clerk	Costs: Approximately \$0  Funding Source:  Acct. #	<b>Attachments:</b> Minutes of 2.16.05 meeting
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>T.D.</u> <input checked="" type="checkbox"/> General Manager <u>C.J.M.</u> <input type="checkbox"/> Finance _____	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk <u>CS</u>	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# MINUTES

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

February 16, 2005  
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on February 2, 2005 at 5:07 PM. Present were Chairman Charles Brooks, Commissioners, Claude Bullock, and Gary Bauman. Commissioner Andrew Tobin arrived at 5:30 PM and Commissioner Glenn Patton arrived at 5:46 PM. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all other appropriate District staff.

Commissioner Bauman led the Pledge of Allegiance.

### ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda: Commissioner Patton had requested that items 2,4 and 10 be taken up after 6:00 PM. Commissioner Bauman requested that item 3 be taken up after 6:00 PM. District Counsel Thomas Dillon requested that an action item concerning the amendment of the District's policy be added. General Manager Charles Fishburn requested two an action items be included under finance one concerning an amendment of the FDEP Grant and one Awarding the KLP Collection System Bid. Also, the issue of a change order for a second story on the Regional Treatment Plant building and a discussion on handling wholesale effluent from Islamorada needs to be added under General Manager's Report.

**Motion:** Commissioner Bauman made a motion to approve the agenda as amended.  
The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

## APPROVAL OF MINUTES

**Motion:** Commissioner Bauman made a motion to approve the minutes of the February 2, 2005 minutes. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

Commissioner Bauman stated that on page six of the January 19, 2005 minutes he meant say \$2.5 million not \$500,000.

**Motion:** Commissioner Bauman made a motion to approve the minutes of January 19, 2005 as corrected. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

**PUBLIC COMMENT:** The following persons addressed the Commission: None

## COMMISSIONER'S ITEMS

*System Development Funding Charge*

Commissioner Patton told the Board that District Counsel Thomas Dillon is currently reviewing the revised Rules and Regulations.

*Discussion of options in finding new rational ways to divide Federal grant monies among Keys Governments.*

This item was moved to the March 2, 2005 meeting.

## **FINANCIAL OFFICER'S REPORT**

### *Project Funding*

Jon Moellenberg, Managing Director at RBC Dain Rauscher, gave a presentation on the different types of funding available to finance the KLWTD projects.

Please see attached Exhibit "A" for the presentation.

District Counsel Thomas Dillon summed up the process that the District should follow as first the Staff including the District Engineer will forecast the capital needs and operating funds, PRMG will help figure out a way to structure that information so the funds can be collected. Once that is done the Bond Counsel and someone like RBC Dain Rauscher will help to put together a package and bond it in order to receive funds to move forward with.

Commissioner Tobin stated that the District needs to have a Bond Attorney working for the District before they contract with a Financial Consultant.

### *2004 CAFR*

Financial Officer Martin Waits along with Dave Andrews of Catarineau & Catarineau, LLC presented the 2004 CAFR

**Motion: Commissioner Patton made a motion to approve the 2004 CAFR as corrected. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Amended Weiler Work Orders*

**Motion:** Commissioner Patton made a motion to approve the First Amended Work Authorizations WEC 03-01 and WEC 03-02. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Pending Payments List*

Financial Officer Martin Waits presented the pending payment list for February 16, 2005.

**Motion:** Commissioner Patton made a motion to approve the pending payments list for February 2, 2005 subject to the availability of funds. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*FDEP Grant Amendment No. 3*

Financial Officer Martin Waits explained the grant amendment which consisted of updating the status of our projects.

**Motion:** Commissioner Bullock made a motion to approve FDEP Grant Amendment No. 3. The motion was seconded by Commissioner Patton.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *Operating Budget Report*

Financial Officer Martin Waits presented the Operating Budget Report.

#### **LEGAL COUNSEL REPORT**

##### *KLP Termination for Convenience Agreement & Release*

District Counsel Thomas Dillon recommended the acceptance of the Termination for Convenience Agreement & Release because it is in the best interest of the District.

**Motion: Commissioner Patton made a motion to approve the KLP Termination for Convenience Agreement & Release. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *KLP Contract for Collection System*

The bid opening was held on February 11, 2005. There were two bidders, E.T. MacKenzie Company and ADB Utility Contractors. ADB Utility Contractors was the low bidder. Mr. Dillon reminded the Board that it was authorized to approve this contract for two reasons: the

original contractor had abandoned the work, and the District has statutory to contract without competition if the Board finds it to be in the best interests of the District.

**Motion: Commissioner Patton made a motion to approve the lower bidder ADB Utility Contractors for the KLP Contract for Collection System as designed. The motion was seconded by Commissioner Tobin.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Adoption of FKAA rules as non-rules*

District Counsel Thomas Dillon expressed concern that among the rules is Section 48-101.003 which provides that "the Authority follows the Uniform Rules of Procedure published in chapter [sic] 28, F.A.C." Title 28 of the Florida Administrative Code comprises the regulations adopted by the State under the APA. The District is not subject to the APA and, but for the adoption of the policy, the District would not be subject to the Uniform Rules of Procedure. Mr. Dillon recommended repeal of Section 48-101.003.

**Motion: Commissioner Tobin made a motion to start the process to repeal Section 48-101.003. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

### *PRMG*

The Board members stated that they had already approved the PRMG contract with changes. District Counsel Thomas Dillon stated that he will redo the contract and have it executed.

### **ENGINEERS REPORT**

#### *Lake Surprise / Sexton Cove*

The eight engineers under District contract have turned in the requested update of their firms. Mr. Castle's associate is currently reviewing the updates and he will review them also.

Commissioner Bauman stated that design people have to be available to answer questions and to review processes. General Manager Charles Fishburn explained that when the Engineer is selected then the contract will be proposed. It will not be a lump sum or a fixed fee but it will be billed monthly on what has been done.

#### *Key Largo Trailer Village Update*

The re-profiling of the Key Largo Trailer Village is done. The revision to the vacuum skid is done. The slab has been poured in the bottom of the vacuum vault at the Plant Site.

### **GENERAL MANAGER'S REPORT**

*Change Order from Haskell to re-enforce the walls and foundation of the building at the Regional Treatment Plant.*

General Manager Charles Fishburn stated that the price would be \$25,000. He has no recommendation for the Board. The Board took no action on this item.

#### *Discussion on handling wholesale effluent from Islamorada.*

The Board has no problem with Staff discussing the issue with Staff at Islamorada. Chairman Brooks expressed concern over any delays that may be caused to our project. The Board agreed that they do not want any delays to our projects as a result of handling wholesale effluent from Islamorada.

Mr. Fishburn reported that Monroe County has discussed splitting the \$40 million bond into two \$20 million bonds and separate inter-local agreements, one for the Key Largo Wastewater Treatment District and one for the FKA.

### **ADJOURNMENT**

After a motion to adjourn by Commissioner Patton and a second by Commissioner Bullock the Board adjourned the meeting at 8:43 PM.



The KLWTD meeting minutes of February 16, 2005 were approved on March 2, 2005.

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Chairman Charles Brooks

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Carol Simpkins, CMC  
Board Clerk

# TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 2

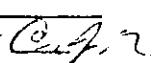
- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> DISCUSSION<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> BID/RFP AWARD<br><input type="checkbox"/> CONSENT AGENDA |
|--|--|

SUBJECT: Division of Federal Grant Monies Options

RECOMMENDED MOTION/ACTION:

Approved by General Manager 

Date: 2-7-05

<b>Originating Department:</b> Commissioner Bauman	Costs: Approximately \$  Funding Source: Acct.	<b>Attachments:</b>
Department Review: <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda	Yes I have notified everyone _____ or Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** Commissioner Bauman placed this item on the agenda.

Inter-government allocation of state and federal grants money for sewer installation in Monroe Co.

1. Have the appropriate elected officials meet using the **Monroe Co. Master Plan** as their guide.
2. Choose the highest hot spot where the number of EDU's times the cost per EDU is less than or equal to the available grant money.
3. If money is left over repeat #2 until all the money is allocated.
4. If there is not enough money for the highest hot spot and that government will make up the difference, then they receive the grant money. Otherwise, move to the next highest hot spot.
5. Vote to ratify and take the decision back for approval by the individual government boards.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 3

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT:** Pending Payments List

**RECOMMENDED MOTION/ACTION:** Motion to approve pending payments list for payment contingent upon available funds.

**Approved by General Manager** C. J. R.

**Date:** 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Pending Payment List
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. R.</u> <input checked="" type="checkbox"/> Finance <u>[Signature]</u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**Key Largo Wastewater Treatment District**

**Payments Pending 03/02/05**

Prepared 02/24/05

**CONSOLIDATED CASH BALANCE FORWARD**

**\$ 1,337,735.17**

**Administration & Operations**

Cash Balance A&O Account Forward \$ 127,232.62

Plus: No reimbursements received 0.00

Sub-total Receipts 0.00

Less: FedEx - Deliveries 70.10

BellSouth - Board & Local Lines 78.91

Chuck Fishburn - Mileage (D/B Orlando) 180.96

Cooke Communications - Legal Advertisements 240.01

Toshiba - Copier Rent & Supplies (+/- 2 mos.) 676.12

GSG - Management Services (January) 195.00

PRMG - County Bond Progress Payment 3,635.20

Catarineau & Catarineau - Final Audit (\$10,520 total) 1,520.00

NC Tile - Office Carpet 1,557.60

Rayce Toland - Office Carpet Installation 960.00

Bank One Visa - Design/Build Conf., Postage, Misc. 1,048.23

Sub-total Invoices 10,162.13

**\$ (10,162.13)**

Cash Balance A&O Account If All Paid \$ 117,070.49

Memo: MSTU Draw #7 Submitted 12/16/04 \$45,524

(Re-submitted 02/09/04)

MSTU Draw #8 Submitted 2/17/05 \$70,082

**Key Largo Park**

Cash Balance KLP Account Forward \$ (50,693.74)

Less: Weiler Enineering (January) 3,070.19

Sub-total Invoices 3,070.19

**(3,070.19)**

Cash Balance KLP Account If All Paid \$ (53,763.93)

FDEP Draw #5 Submitted 2/23/05 \$30,448

MC 148 Final Draw Submitted 2/23/05 \$13,029

**Key Largo Trailer Village**

Cash Balance KLTV Account Forward \$ 1,261,196.29

Plus: No reimbursements received

Less: Fluidyne - 10% Drawings Received / Bonds 65,741.10

Jupiter Environmental - Water Samples 120.00

Weiler Engineering (January) 5,656.78

Haskell - January 233,729.69

Sub-total Invoices 305,247.57

**(305,247.57)**

Cash Balance KLTV Account If All Paid \$ 955,948.72

Memo: Local FEMA Match Submitted 2/10/05 \$807,187

**CONSOLIDATED CASH BALANCE IF ALL PAID**

**\$ 1,019,255.28**

**Approved for payment:**

\_\_\_\_\_  
Charles Brooks, Chairman

\_\_\_\_\_  
Andrew Tobin, Secretary

# TAB 4

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 4

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

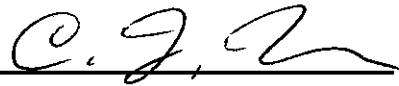
☐ Other:

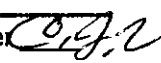

SUBJECT: Project Funding Status Report on KLTV & KLP

RECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> KLTV Sources & Uses KLP Sources & Uses
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering____ <input type="checkbox"/> Clerk____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____  Please initial one.

**Summary Explanation/Background:** Staff is providing a monthly update on funding status of our two projects.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



# Key Largo Trailer Village

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		<u>General Comments</u>
<b>Federal:</b>		
FEMA I (FKAA)	\$ 1,097,143	\$642,590 spent \ \$361,070 held by FKAA
FEMA II	4,388,571	\$2,018,683 advanced
Subtotal Federal Funds	<u>5,485,714</u>	
	57%	
<b>State:</b>		
SFWMD	100,000	Advanced and spent
DCA Cesspit Grant	1,118,020	Interlocal amount \$1,225,600 / KLP \$107,580
DCA (12.5% FEMA I Match-FKAA)	182,187	\$107,098 spent / \$75,759 held by FKAA
DCA (12.5% FEMA II Match)	731,429	\$293,475 advanced
Subtotal State Funds	<u>2,131,636</u>	
	23%	
<b>Local:</b>		
304 Fund (12.5% FEMA I Match-FKAA)	182,857	\$107,098 spent / \$75,759 held by FKAA
304 Fund (12.5% FEMA II Match)	731,428	Monroe County Loan
304 Fund (Cesspits)	640,000	Interlocal amount \$790,000 / KLP \$150,000
Plant Site Mitigation Funding	294,708	
Subtotal Local Funds	<u>1,848,993</u>	
	20%	
<b>Total Funds</b>	<b><u>\$ 9,466,343</u></b>	Excludes land purchase \$826,234 (in kind)

### ESTIMATED PROJECT COST

	<u>Billings to 2/15/2005</u>	<u>Estimate To Complete</u>	<u>Est. Total Completed Cost</u>
FKAA Spending	\$ 374,678	\$ -	\$ 374,678
Weiler Engineering	107,089	62,276	169,365
Haskell Contract (excl. Escalation Claim)*	1,947,934	6,029,066	7,977,000 *
Haskell Change #7 (AirVac Estimate)	-	191,000	191,000
Sales Tax Credits**	-	(72,000)	(72,000) **
Plant Site Mitigation	-	294,708	294,708
Misc. Construction Expense (contingency)	7,713	92,287	100,000
GSG (incl. Feb-May, 03 Engineering)	50,258	-	50,258
KLWTD Staff Expense (Insp / Mgmt / Legal)	38,874	91,126	130,000
<b>Total Expenses</b>	<b><u>\$ 2,526,546</u></b>	<b><u>\$ 6,688,463</u></b>	<b><u>\$ 9,215,009</u></b>

\*Escalation claim +\$251,152 (\$296,093 - \$44,941 Rovac). \*\*Estimate \$1.2 million Fluidyne, AirVac, generator

**TOTAL PROJECT RECEIPTS TO DATE** **\$ 3,554,137**

# Key Largo Park

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		<u>General Comments</u>
<b>Federal:</b>		
Army Corps.	\$ 267,000 10%	Available by September, 2005
<b>State:</b>		
FDEP Grant	1,660,000	\$ 101,466 Advanced
FDEP Grant Amendment 2	187,312	Unused Cesspit Replacement Allocation
DCA Cesspit Grant	107,580	Interlocal amount \$1,225,600 / KLTV \$1,118,020
Subtotal	<u>1,954,892</u> 71%	
<b>Local:</b>		
148 Fund	356,000	FCAA used \$323,393 for Boyle
148 Fund (Cesspits)	100,000	Admin portion Interlocal \$790,000 (See below)
304 Fund (Cesspits)	50,000	Balance Interlocal \$790,000 / KLTV \$640,000
Subtotal	<u>506,000</u> 19%	
<b>Total Funds</b>	<b>\$ <u>2,727,892</u></b>	

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FCAA Spending	\$ 326,000	0	\$ 326,000
Weiler Engineering	58,310	41,950	100,260
ADB Contract	0	2,283,385	2,283,385
Haskell Change Order (Eng'g)	66,391	7,376	73,767
Misc. Construction Expense (Contingency)	7,500	142,500	150,000
Government Services Group	18,365	0	18,365
KLWTD Staff Expense (Mgmt / Legal)	8,944	51,056	60,000
<b>Total Expenses</b>	<b>\$ <u>485,510</u></b>	<b>\$ <u>2,526,267</u></b>	<b>\$ <u>3,011,777</u></b>

\*Certain valves (\$ 59,000) and pits (\$ 54,000) included in the KLTV project may be utilized in the KLP project, in which case funding in the total amount of \$ 113,000 would be transferred from the KLTV project to the KLP project.

**TOTAL PROJECT RECEIPTS TO DATE**      **\$ 443,916.00**

# TAB 5

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 5

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

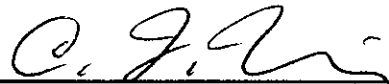
☐ Other:

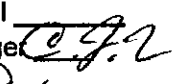

SUBJECT: \$150,000 Loan with TIB

RECOMMENDED MOTION/ACTION: Motion to rescind the District's \$150,000 line of credit with TIB bank.

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b>  None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering_____ <input type="checkbox"/> Clerk_____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____  Please initial one.

**Summary Explanation/Background:** Requested by TIB Bank since the District does not anticipate drawing on the line in the foreseeable future.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# TAB 6

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 6

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

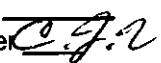

☐ Other:

SUBJECT: New TIB NOW Account

RECOMMENDED MOTION/ACTION: Motion to approve opening a new TIB Bank NOW account to hold FEMA matching funds received from the County.

Approved by General Manager 

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$No cost for this account.  Funding Source:  Acct. #	<b>Attachments:</b>  None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u></u> <input checked="" type="checkbox"/> Finance <u></u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** The District expects to receive County matching funds in the full amount of the FEMA Phase II grant. These funds will be deposited into the new account. Funds will be transferred from the new account into the General Account in amounts identical to State matching funds received. This will facilitate auditing and earn interest for the District.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# TAB 7

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 7

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: County Bond Team

RECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: Approximately \$  Funding Source:  Acct. #	<b>Attachments</b> Preliminary Plan of Finance
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering____ <input type="checkbox"/> Clerk____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____  Please initial one.

**Summary Explanation/Background:** Review of County process as background for on-going District discussions.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



Marty KLWTD 5

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## MONROE COUNTY, FLORIDA

### Preliminary Plan of Finance Infrastructure Surtax Bonds, Series 2005

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#### INTRODUCTION

Monroe County, Florida, was established in 1823. It is comprised primarily of the Everglades National Park and Florida Keys, which are a string of coral islands extending in a southwesterly arc from Biscayne Bay to the Dry Tortugas. The Florida Keys separate the Atlantic Ocean on the south and the east from the Gulf of Mexico on the north and west, and extend approximately 100 miles south from the United States mainland. The County seat, the City of Key West, located on the southernmost of the Florida Keys, lies 98 miles north of Cuba, approximately 160 miles southwest of Miami and 66 nautical miles north of the Tropic of Cancer. The County's estimated population is 81,140 per the Florida Association of Counties 2004 Directory.

#### I. FINANCING TEAM PARTICIPANTS

**Financial Advisor**

*Public Financial Management, Inc. ("PFM")*

a consulting firm selected by the County to provide the County with advice in respect to the structure, timing, terms, planning, and other matters concerning the issuance of bonds.

**Bond Counsel**

*Nabors, Giblin & Nickerson, P.A.*

a law firm selected by the County to deliver an opinion, upon the closing of the bond issue, as to legality of issuance and other legal matters and an opinion as to the tax-exempt nature of the bonds.

**Disclosure Counsel**

*Bryant, Miller and Olive*

a law firm selected by the County to and to advise the County on legal matters.

**Underwriter**

*To Be Determined*

an underwriting firm selected by competitive bids for the bonds.

# TAB 8

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 8

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

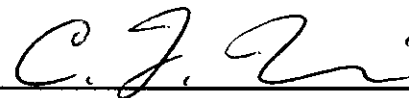
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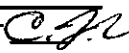
**SUBJECT:** Monthly Status Report

**RECOMMENDED MOTION/ACTION:** No action required

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> Engineering	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Mo. status report
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



*"Excellence in Engineering"*

20020 Veterans Boulevard., Suite 7  
Port Charlotte, FL 33954  
(941) 764-6447 ph  
(941) 764-8915 fax

**Key Largo Wastewater Treatment District**  
**Engineering Status Report**  
**Period Ending 02/24/05**

**Client Issues**

**Key Largo Park**

Sealed bids for performing the work in Key Largo Park were obtained from two contractors. These bids were opened, and one was found to be lower than the original bid from DN Higgins. The Board directed Staff to move forward with entering into a contract with ADB, the contractor submitting the lower priced bid. The Board also authorized a mutual termination of the DN Higgins contract.

**Key Largo Village**

AirVac completed the reprofiling of the vacuum collection system for Key Largo Trailer Village, with the exception of those pipe lines along US 1 that serve only Key Largo Park. These lines are part of the Haskell contract for the Village, even though they do not serve the Village. AirVac is working on reprofiling the Key Largo Park system at this time.

Fountain Engineering, the subcontractor to DN Higgins, continued working on the vacuum collection system. The bulk of the work in this period was placing the remaining portion of the 10" vacuum main along US 1. In addition, the Fountain crew was trained in assembly and testing of AirVac vacuum pits. An AirVac representative presented this training. It also included a test placement of a vacuum pit in the DN Higgins construction yard.

Work continued on the vacuum vault at the treatment plant site. The bottom slab was poured on February 11<sup>th</sup>. The steel and forms for the walls and the cast-in-place section of the top were placed, and the concrete was poured on February 23<sup>rd</sup>.

### **KLW Treatment Plant**

No work has yet begun on the wastewater treatment plant site other than clearing and grading, fencing and work on the vacuum pump station.

The FDEP permit for the wastewater treatment plant has not been issued as of February 23<sup>rd</sup>. John Armstrong, of the FDEP, spoke with Ted Hortenstine of Brown & Caldwell and indicated that he would sign the approval to process the permit during the week of February 20<sup>th</sup>. The instruction to publish the Notice of Intent to Issue has not yet been received.

According to Will English, Peter Kinsley of The Haskell Company requested approval from the FDEP to proceed with construction at risk until the permit is issued. If approved, this would allow The Haskell Company to begin construction of the WWTP facilities with the understanding that if the permit were denied by FDEP or if modifications to the design were required, The Haskell Company would be responsible for bearing any costs or fines associated with construction of the facility without a permit.

After being informed of Kinsley's request, Ed Castle reminded Will English that as of this date, the final design of the WWTP facilities had not been submitted to the District for review and that signed and sealed construction plans had not yet been produced. He also reminded Will English that corrections and changes to the submitted construction specifications were required and that approved shop drawings had not yet been submitted. These facts were documented in an email following the phone conversation.

### **Lake Surprise Project**

Updated Statements of Qualifications were received from the engineering firms in the District's library of consultants. Weiler Engineering, acting as the District's Engineer and therefore not eligible to submit for this project, prepared a detailed ranking sheet with weighted maximum points for each category of experience. WEC has completed the ranking, reviewing both the original SOQs and the updates for each of the seven firms. The completed ranking sheets have been submitted to the General Manager for review. The General Manager is to recommend a firm for the design of the Lake Surprise project for Board approval.

### **Haskell Pay Applications**

The Haskell pay application for the month of December was received late and was processed for approval at the February 2<sup>nd</sup> Board meeting. The pay application for January was also received and processed late, and will be presented for approval at the March 2<sup>nd</sup> Board meeting.

### **Regulatory Compliance Issues**

As stated in earlier reports, the FDEP approved dewatering at the treatment plant site based on the low levels of petroleum contaminants found in water collected from the excavation. As requested by the FDEP, Staff has collected a sample of the dewatering pump discharge approximately half way through the dewatering process. This sample also showed acceptably low levels of petroleum contaminants. A final sample will be collected at the end of dewatering. After dewatering has been completed, a final report will be provided to the FDEP summarizing the results of all sampling.

### **Project Team Meetings and Actions**

Ed Castle attended the regularly scheduled Board meetings on February 2nd and 16<sup>th</sup>. He also met with KLWTD staff on the 2<sup>nd</sup> and 16<sup>th</sup> prior to the Board meetings. He attended the Construction Progress meeting on February 16<sup>th</sup>.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/26, 2/2, 2/9, 2/11, and 2/16. Dan Saus visited the KLTV work sites for construction observation on the following dates: 2/9, 2/11, and 2/22.

# TAB 9

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 9

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Sexton Cove / Lake Surprise SOQ

RECOMMENDED MOTION/ACTION: The Board approve an engineering firm recommended by staff.

Approved by General Manager \_\_\_\_\_

Date: \_\_\_\_\_

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Memo from Charles Fishburn
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** General Manager Charles Fishburn and Weiler Engineering have reviewed the seven engineering firms under contract with the District and will present their recommendations for the Engineering Firm to design the Lake Surprise/Sexton Cove Project at the meeting.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



# Memo

**To:** KLWTD Board Members  
**From:** Charles F. Fishburn, General Manager  
**CC:** File  
**Date:** February 28, 2005  
**Re:** Engineering Firm

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The KLWTD in June of 2003 selected eight engineering firms to place under contract to provide continuing engineering services for the District on an as-needed basis. These firms were selected from thirteen firms responding to a RFQ put out by the District.

A review process selected eight of the thirteen firms. Weiler Engineering, from the eight firms, was selected to serve as the District's Engineer.

The remaining seven firms are all under contract to the District for "Consulting / Professional Services" none have been used to date.

With the addition of the Lake Surprise/Sexton Cove Project, the Board and Staff considered going out for a new RFQ for the project alone. After discussion the Board directed Staff to update the qualifications of the seven firms in light of the scope of the Lake Surprise/Sexton Cove Project.

All seven eligible firms responded with updates and letters of interest. Staff has reviewed the updated responses and the previous submittals. On advice of Council, Staff has not discussed our rankings to give the Board a recommendation.

Staff proposes to publicly discuss our evaluations and make our recommendation during the public meeting on March 2, 2005.

# TAB 10

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 10

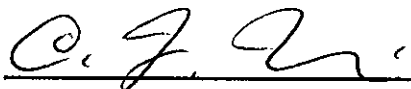
- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> DISCUSSION<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> BID/RFP AWARD<br><input type="checkbox"/> CONSENT AGENDA |
|--|--|


SUBJECT: Haskell Change Proposal No. 9 for Key Largo Trailer Village

RECOMMENDED MOTION/ACTION: Approval Change Proposal No. 9

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Change Proposal No. 9
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.		Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Twenty percent of the 21 acre Wastewater Treatment Plant site is available for the Regional Treatment Plant. 2.6 acres has been cleared for the current projects. Staff is recommending clearing an additional 1.5 acres for the Sexton Cove Project. The Change Order covers the clearing; an additional \$180,000 for mitigation will be requested from the County.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**THE HASKELL COMPANY****AMERICA'S DESIGN-BUILD LEADER®****Will T. English**  
*Project Manager*

February 24, 2004

**Re: Wastewater Management System  
For The Key Largo Trailer Village  
Key Largo, Florida  
Issue 02-030 – Clearing of  
additional 1.5 acres.  
Change Proposal No. 9****Mr. Chuck Fishburn  
KLWTD General Manager  
Post Office Box 491  
Key Largo, Florida 33037**

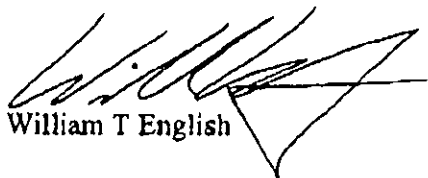
Dear Mr. Fishburn:

As requested by the Key Largo Wastewater Treatment District (KLWTD), The Haskell Company is proposing to provide layout and clearing services for the clearing of approximately 1.5 acres as determined by a sketch prepared by The Weiler Engineering Corporation. As determined by the clearing subcontractor, the mulch generated from native vegetation may be hauled off or may be spread on site depending on needs at the time. No erosion control has been included in this proposal.

**Our total lump sum add for this work is Thirty Nine Thousand Two Hundred Forty Three Dollars and Zero Cents (\$39,243.00).**

Should you have any questions or require further information, please do not hesitate to contact me at (904) 357-4225.

Sincerely,

  
William T English

Enclosure

cc: Issue File 02-030



4. CONSULTANTS	NAME	DESCRIPTION OF WORK	COST
SUBTOTAL (4)			\$ -

5. FEE STRUCTURE	NAME	COST	PERCENT	FEE
A. Contractor				
1. Direct Labor:		\$ -	5%	\$ -
2. Material and Equipment:		\$ -	5%	\$ -
B. Subcontractors:		\$ 36,500.00	5%	\$ 1,825.00
C. Consultants		\$ -	5%	\$ -
SUBTOTAL (5)				\$ 1,825.00
SUBTOTAL (1-5)				\$ 38,325.00
D. Bonds and Insurance			2.385%	\$917.88
TOTAL COST OF THIS CHANGE PROPOSAL (All deductions shown in parentheses)			TOTAL	\$ 39,243

**EXTENSION OF CONTRACT TIME:**  
 As part of this Change Proposal, the Contractor requests an extension of Contract Time of 0 days.  
 Justification:

**RECORD DOCUMENTS:** As part of this Change Proposal, the Contractor shall provide applicable record drawing information affected by this change.

Signed: \_\_\_\_\_  
 Title: Project Director  
 Contractor: The Haskell Company

Date: 11/11/2004

**RECOMMENDATION by ENGINEER:** (Forward to Owner for Review)

Signature of Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

**ACCEPTANCE BY OWNER:** (return to engineer for processing)

Signature of Owner's Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
 Engineer to prepare necessary change order \_\_\_\_\_ Engineer to Re-negotiate change proposal as noted above \_\_\_\_\_ Other as above \_\_\_\_\_

OWNER:	CONTRACTOR:	PROJECT:
ENGINEER:	FIELD:	NO.:
	OTHER:	DATE:



# ARBORTECH

**TREE & LANDSCAPE, INC.**

Commercial & Residential Landscaping

(305)852-5180  
(305)852-4394  
P.O. Box 41  
Tavernier, FL 33070

Licensed & Insured

## PROJECT PROPOSAL

Customer Name: The Haskell Company  
Phone/Fax No.: (904)357-4225/(904)357-4282  
Job Location: 100501 Overseas Hwy., Key Largo.

We hereby submit specifications and estimate for:

- \* Clearing of 1.5 acres of land. Please refer to attached survey by Weiler Engineering (page 002).
- \* Removal and on-site mulching (grinding) of all trees and stumps.
- \* Hauling away of pre-existing debris.

At project's end, area will be flat, leveled and clean of foreign debris. Mulch will be left on site in piles.

Proposal Amount \$35,000.00

Date 2/23/05

Payment as follows:  $\frac{1}{2}$  (one half) of total amount down payment and remaining  $\frac{1}{2}$  on job completion.

All material is guaranteed to be as specified. All work is to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 7 days and is void thereafter at the option of the undersigned.

Authorized Signature

Date 2-23-5

### Acceptance of Proposal

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_



## Charles Tolton & Associates, Inc.

Land Surveying - Planning - Engineering & Construction Management Services

# ESTIMATE



02.24.05

The Haskell Company  
111 Riverside Ave  
Jacksonville, Florida 32202  
Attn: Will English

Re: KLWWTP

Due Date

ASAP

=====

ESTIMATED SURVEY/ENGINEERING COSTS FOR THE ABOVE REFERENCED PROJECT

Calculate new corner positions per faced sketch.	
2 Man Field Crew to set or find new corners for clearing of property. (1.5 acres more or less)	
P.L.S. overnight and review.	
Lump Sum	\$ 1,500.00

# ESTIMATE

TOTAL

\$ 1,500.00

Page 1 Of 1

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This estimate is good for 3 months after above date.

Thank You for considering Charles Tolton & Associates for this project.

Charles Tolton, P.L.S.  
President

If this estimate is acceptable, please sign and return.

\_\_\_\_\_  
Authorized Agent/Title

3887 Tamiami Trail East, Suite 5 • Naples, Florida 34112 • (239) 793-6633 • Fax: (239) 793-3905

email: cta\_inc@earthlink.net



**FIVE-YEAR CAPITAL  
PLAN SUMMARY**

**FOR THE**

**KEY LARGO WASTEWATER  
TREATMENT DISTRICT**



**DRAFT**

**February 22, 2005**



**Public Resources Management Group, Inc.**  
*Utility, Rate, Financial and Management Consultants*



**DRAFT**

February 22, 2005

The Honorable Chairman and  
Members of the Board of Commissioners  
Key Largo Wastewater Treatment District  
P.O. Box 491  
Key Largo, FL 33037

**Subject: Five-Year Capital Plan Summary**

Dear Commissioners:

Presented herein is our five-year capital plan summary report (the "Report") for the planned wastewater facilities located within the Key Largo Wastewater Treatment District (KLWTD). Public Resources Management Group, Inc. (PRMG) has been retained by KLWTD to prepare this Report to summarize the various wastewater projects planned by KLWTD, the public purpose and proposed funding of such projects, and a discussion of rates and charges for ultimate users of the facilities.

In the preparation of this Report, PRMG has relied upon financial, statistical and planning data regarding the KLWTD Wastewater System, including the most recent KLWTD five-year capital budget, estimated EDU calculations, various engineering reports, as well as the 2000 Monroe County Sanitary Wastewater Master Plan (the "County Master Plan"). The financial projections reflected in this Report are based on discussions with and information provided by KLWTD staff and its consulting engineers, as well as certain assumptions and analyses made by us with respect to such financial projections. It should be noted that while we believe the sources of such information, assumptions and projections to be reasonable for the purposes of this Report, we offer no assurances with respect thereto.

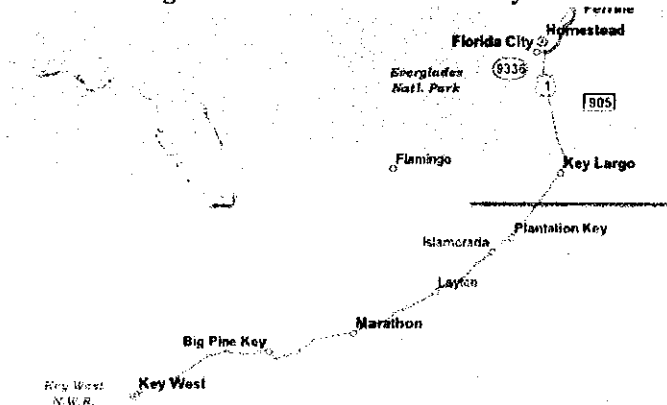
### **General**

As an Independent Special District formed by the Florida Legislature, the KLWTD was formed for the purpose of carrying out the planning, acquisition, development, operation, and management of a wastewater system within the island of Key Largo located in unincorporated Monroe County, Florida.<sup>1</sup> The KLWTD territory or service area consists of the island of Key Largo, including all lands north of Tavernier Creek, with the exception of Ocean Reef, all in Monroe County, Florida. This area essentially represents the area from Mile Marker 91 to Mile Marker 107 at the northern end of the service area.

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<sup>1</sup> The KLWTD was formed in 2002 by House Bill 471, enacted as Chapter 2002-37, Laws of Florida.

Figure 1 – KLWTD Wastewater System



The following is a discussion of the various wastewater projects either under construction or planned for construction through the Fiscal Year ending September 30, 2008 (Fiscal Year 2008). The projects planned or underway are each steps in the ultimate goal of providing central sewer to the entire KLWTD service area pursuant to the recommendations of the County Master Plan. For the KLWTD, these projects help achieve the

objective as stated in the County Master Plan to “improve wastewater management practices throughout the Keys and satisfy the existing and future needs of the community.”<sup>2</sup>

### System Facilities

The County Master Plan identifies Lake Surprise/Sexton Cove (PAED 19/20) and Key Largo Trailer Village (PAED 18) as the number 2 and number 4 “Hotspots”, respectively, in need of central wastewater service in the entire Florida Keys. Wastewater disposal in these top “Hotspots” as well as most developed residential properties within the KLWTD service area is currently handled through on-site disposal systems (“OSDS systems”), including septic tanks and cesspits. The County Master Plan identified the lack of nutrient removal and other wastewater treatment deficiencies from OSDS systems as a significant source of water pollution.

When central wastewater systems are installed in developed areas to replace OSDS systems, the following procedure is typically utilized when properties connect to the system:

- Disconnection of property owner's service lateral from the existing OSDS system;
- Connection of service lateral to the mainline sewer at the property line; and
- OSDS abandonment through evacuation, demolition of tanks and structures, and filling abandoned OSDS (per Monroe County Department of Health requirements).

The customer will be responsible for the connection of the property to the wastewater system (as described above) and the KLWTD will be responsible for the construction of the wastewater collection system that will transport waste to the treatment facilities. In keeping with both State of Florida and Monroe County legislation and policy, the KLWTD Board has adopted a mandatory connection policy for all properties within the service area where central wastewater service becomes available.

The following is a summary description of the wastewater facilities for each of the various wastewater projects contemplated within the KLWTD five-year capital improvements plan:

<sup>2</sup> Monroe County Sanitary Wastewater Master Plan, June 2000, ES-2.

### Key Largo Trailer Village (Under Construction)

The Key Largo Trailer Village is the initial wastewater project undertaken by the KLWTD and is currently under construction as a design-build project. This project consists of three major components. The first is the wastewater treatment plant and vacuum pump station, which is located on the ocean side of Highway US 1 at Mile Marker 100.5. The second component is a one-mile vacuum main along U.S. 1 connecting to the wastewater treatment plant. The third component is a vacuum collection system, located Gulf side and will connect approximately 450 residential EDUs and 21 commercial EDUs. The vacuum collection system includes approximately 130 vacuum pits and approximately 36,000 linear feet of 4-inch to 10-inch vacuum sewer lines. The wastewater treatment plant to be constructed as part of this initial project is designed for advanced wastewater treatment (AWT) standards at a rated capacity of 183,000 gallons per day expressed on a maximum month flow basis. The AWT standards for effluent disposal include no more than: i) five (5) parts per million (ppm) biological oxygen demand (BOD); ii) five (5) ppm total suspended solids (TSS); iii) three (3) ppm total nitrogen; and iv) one (1) ppm phosphorus as required by the Florida Department of Environmental Protection (FDEP) and Monroe County. This AWT Plant is intended as an interim plant until the permanent treatment facility is constructed as part of the Lake Surprise/Sexton Cove project discussed in further detail below. KLWTD reports that initial wastewater service within the Key Largo Trailer Village is expected to commence mid-Fiscal Year 2006 (around March 2006) and all connections within the service area will be complete by the end of Calendar Year 2006.

### Key Largo Park (Under Construction)

The Key Largo Park project, located in close proximity to Key Largo Trailer Village, will add an additional 182 residential EDUs once completed. This project consists of a vacuum collection system that will tie into the transmission main, vacuum station, and wastewater plant under construction as part of the Key Largo Trailer Village project. The Key Largo Park vacuum collection system is also located Gulf side and includes approximately 75 vacuum pits and approximately 6,000 linear feet of 4-inch to 10-inch vacuum sewer lines. Initial wastewater service within the Key Largo Park is expected to commence mid-Fiscal Year 2006 (around March 2006) and all connections within the service area will be complete by the end of Calendar Year 2006.

### Calusa Campground (Construction Anticipated in FY 2005 or FY 2006)

The Calusa Campground is located between Key Largo Trailer Village and Key Largo Park and consists of 367 EDUs. The Calusa Campground currently operates a privately owned wastewater system. This system includes a deteriorated collection system and a wastewater treatment plant that does not meet year 2010 treatment specifications. The Calusa Campground project involves construction of a new collection system to tie the campground into the transmission system constructed as part of the Key Largo Trailer Village project. The Calusa Campground vacuum collection system is located Gulf side and will include approximately 30 vacuum pits and approximately 4,400 linear feet of 4-inch to 8-inch vacuum sewer lines. KLWTD staff reports that construction of the collection system would take approximately 6 months to complete.

Lake Surprise/Sexton Cove (Construction FY2006 and FY2007)

As of the date of this Report, KLWTD has submitted a Request for Proposals (RFP) for design-bid services related to the Lake Surprise/Sexton Cove project. The Lake Surprise/Sexton Cove project consists of three components. The first component is an AWT Plant with a disposal capacity of 2.25 million gallon per day (MGD) expressed on a maximum month flow basis. This AWT Plant is designed to meet the build-out wastewater service needs of the entire KLWTD service area and is not specific to Lake Surprise/Sexton Cove, although it is a component of this overall construction project. The AWT Plant will be located off of U.S. 1 at Mile Marker 100.5, approximately midway between the northern and southern ends of the KLWTD wastewater service area at the existing site of the interim plan.

The second component of the Lake Surprise/Sexton Cove project includes construction of a force main from Lake Surprise (Mile Marker 106), at the northern end of the wastewater service area, south to the AWT Plant. The transmission main includes 1500 linear feet of 4" force main, 15,200 linear feet of 10" force main, 14,700 feet of 12" force main, and 13 highway crossings with 4" to 6" force main. The construction of the transmission force main is designed to eventually serve approximately half of the EDUs within the entire KLWTD service area (i.e. from the AWT Plant to the northern end of the KLWTD service area).

The third component consists of a vacuum and/or gravity collection system within the Lake Surprise/Sexton Cove area located at the northern end of the KLWTD service area. The collection system for the Lake Surprise/Sexton Cove project includes the following areas:

- Lake Surprise Area (Approx. 800 EDUs) – Includes Lake Surprise/Sexton Cove residential, Ocean Isle Estates/Largo City residential, and nearby commercial customers.
- Largo Gardens Area (Approx. 311 EDUs) – Includes residential connections in Largo Gardens and nearby commercial connections.
- U.S. 1 Corridor (Approx. 1,383 EDUs) – Includes hotels, RV parks, trailer parks, marinas, and similar commercial establishments along the U.S. 1 corridor.

The EDU amounts shown above are preliminary estimates based on current planning information available. The final EDU calculations may vary from these estimates and will depend on the actual policies and procedures for system development charges that will be adopted by the KLWTD. A summary of the estimated EDUs, average daily treatment flow requirements, and anticipated commencement of connections by project is shown below:

<b>Summary of Planned Projects</b>			
Project	Estimated EDUs	Average Daily Flow (gallons per day)	Connections Begin
Key Largo Trailer Village	470	90,000	March 2006
Kay Largo Park	182	53,000	March 2006
Calusa Campground	367	21,000	March 2006
Sexton Cove/Lake Surprise	<u>2,494</u>	<u>416,500</u>	October 2007
Total	<u>3,513</u>	<u>580,500</u>	

## Estimated Project Costs

The total construction-related costs for the projects described above are approximately \$49.0 million. The following summarizes the estimated costs by project and available funding sources:

### KLWTD Capital Improvements from Inception Through Fiscal Year 2008

Project Cost	Amount [1]
Key Largo Trailer Village	\$9,279,000
Key Largo Park	3,599,000
Calusa Campground	1,150,000
Lake Surprise/Sexton Cove	<u>34,957,000</u>
Total	<u>\$48,985,000</u>

Sources of Funds	Amount
Grants	\$12,878,000 [2]
Monroe County Bonds	20,000,000 [3]
SRF Loans/Revenue Bonds	13,966,000
Upfront System Development Charges	<u>2,141,000</u>
Total	<u>\$48,985,000</u>

- [1] Project Costs include design, engineering, permitting, construction, and construction management. Amounts exclude in-kind transfer of land from Monroe County to KLWTD valued at \$826,234 for a site to construct the wastewater treatment facility.
- [2] Amount reflects grants from the following sources: \$5,485,714 from FEMA; \$4,087,198 from State sources; \$2,354,993 from Monroe County; and \$950,085 from other agencies.
- [3] Amount represents proceeds from Monroe County Sales Tax Infrastructure Bonds anticipated to be issued in Spring 2005. Such proceeds are not pledged by revenues of the KLWTD.

## Rates and Charges

While construction of the entire KLWTD Wastewater System will take many years and consist of multiple construction projects, it is anticipated that a uniform rate and charge tariff will apply to all customers.

The rate tariff should consider rates among various customer classes (e.g., individually metered residential, multi-metered residential, commercial, etc.) and capacity requirements to the extent practicable. The two major or significant charges for service are system development charges and monthly charges. These charges are discussed below.

### System Development Charges

System development charges are paid by the customer to the utility (i.e., KLWTD) for the customer's share of wastewater facility capital (construction-related) costs. This charge is also commonly referred to as an impact fee, capacity fee, connection fee or capital recovery fee. The charges are applied to existing development requiring wastewater capacity in an effort to fund the capital costs of such capacity and equitably assign such costs to those users that are imposing the need for the construction of capital facilities. This application of a system development charge is commonly used by Florida utilities to fund the expansion or construction of utility

plants required to service new customers. The system development charge is a one-time fee paid prior to connection to the wastewater system. However, the KLWTD Board of Commissioners (the "KLWTD Board") could choose to allow customers the opportunity of paying the system development charge over a several year period. A common method of collecting such fees over a multi-year period is through use of a non-ad valorem assessment administered through the County's tax collector. It is expected that the KLWTD Board will adopt a system development charge during Fiscal Year 2005 prior to service availability for the initial wastewater customers.

### Monthly Rates

The monthly wastewater rates are the means to recovery each customer's share of costs related to operating the wastewater facilities. Such costs include labor, electric, chemicals, sludge hauling, maintenance, administration, and other costs associated with ongoing operations. The monthly rates also should include funding of a renewals and replacements fund (R&R Fund) to set aside monies for future major rehabilitation as the system ages. To the extent that the system development charge does not recover the initial capital costs of system construction, the monthly rates would need to include the costs of financing the shortfall.

There are two basic rate structure options for the monthly rates. The first option consists of a flat rate per customer that does not vary monthly, regardless of each customer's usage level. This flat rate is the easiest to administer, but provides inequity between small and large users (i.e., small users pay too much and large users too little). The other rate structure includes a base monthly rate plus a usage charge. The base rate would not vary each month, but would be lower than the flat rate structure mentioned above. The usage rate would consist of a charge per thousand gallons base on monthly water consumption. The base plus usage structure provides equity among customers with varying consumption levels with customers at higher usage levels paying higher monthly bills.

### Rate Levels

As a single enterprise fund, all expenses incurred by the KLWTD as part of providing wastewater service must be recovered by revenues derived from customers benefiting from such services. The KLWTD must adopt rates and charges sufficient to recover its expenses, including minimal debt service requirements. While achieving these targets, rates and charges should be adopted at the minimum amount required to achieve such results. The monthly rates will need to be adopted prior to service availability at the end of Calendar Year 2005. The rate policies should consider both the estimated cost of service during the initial year of operation and continuity with the future costs as the utility system expands.

## **FINDINGS AND CONCLUSIONS**

Based upon the principal considerations and assumptions and the results of our studies and analyses, as summarized in this Report which should be read in its entirety in conjunction with the following, we are of the opinion that:

1. The wastewater projects described herein provide a public benefit by addressing water quality concerns through wastewater management practices recommended as set forth in the 2000 Monroe County Sanitary Wastewater Master Plan.
2. The KLWTD considers the estimated cost of the planned facilities for each service area described herein to be reasonable based on the available information and comparisons to similar facilities constructed for other utilities located in the Florida Keys.
3. Recognizing construction of the planned capital facilities described herein, the KLWTD is of the opinion that the KLWTD Wastewater System will have sufficient capacity to meet the projected service area needs through the fiscal year ending September 30, 2008.
4. It is expected that the KLWTD will adopt rates, fees, and charges during Fiscal Year 2005 prior to customers connecting to the facilities and receiving wastewater service.

Respectfully Submitted,  
**Public Resources Management Group, Inc.**

Robert J. Ori  
President

Anthony Hairston  
Supervising Consultant

RJO/dlm



**KEY LARGO WASTEWATER TREATMENT DISTRICT**

**GENERAL RULES AND REGULATIONS DRAFT**

**FEB. 2, 2004**  
**REVISED FEBRUARY 28, 2005 BY TMD**

**PROVIDED BY COM. GLENN PATTON**

# KEY LARGO WASTEWATER TREATMENT DISTRICT

## GENERAL RULES AND REGULATIONS DRAFT # 1

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## **Article I. General**

### **Section 1.01 District Description and Organization.**

The Key Largo Wastewater Treatment District is an Independent Special District authorized by the Key Largo Wastewater Treatment District Act (Chapter 2002-337, Florida Statutes, as amended.) The principle function of the District is to perform such acts as necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system to serve a portion of the island of Key Largo, an unincorporated portion of Monroe County, Florida. The District complies with the operating and reporting requirements of Chapter 189, Florida Statutes as applicable to Special Districts.

The District is not subject to the Florida Administrative Procedure Act (Chapter 120, Florida Statutes) or the Uniform Rules of Procedure (Title 28, Florida Administrative Code.)

### **Section 1.02 District Service Area.**

The District's Service area includes the territory consisting of the island of Key Largo, including all lands east of Tavernier Creek, including Tavernier, Key Largo, and Cross Key, with the exception of Ocean Reef, all in Monroe County, Florida.

### **Section 1.03 District Board of Wastewater Commissioners.**

The District is governed by an elected Board of five Wastewater Commissioners.

The District will exercise, through the Board, all powers enumerated in the Key Largo Wastewater Treatment District Act, including but not limited to the power to adopt rules and regulations relating to the exercise of such powers for the regulation of the use and supply of wastewater systems for the District's service area, and will also exercise such other authority as may exist under general or special law.

The Board governs the policymaking and other statutorily prescribed duties and powers of the District pursuant to the Key Largo Wastewater Treatment District Act.

### **Section 1.04 District General Manager.**

The General Manager oversees the day-to-day operation of the District as authorized or directed by the Board.

### **Section 1.05 District Clerk.**

The District Clerk performs the following duties:

- (1) Date and file all orders entered by the Board or the District Manager.
- (2) Act as the "clerk of the lower tribunal" for purposes of the Florida Rules of Appellate Procedure.
- (3) Receive and file the original of any pleading received by the District pursuant to these policies.
- (4) Act as the District's official reporter for the purpose of making available and indexing by subject all policies and orders rendered after a proceeding which affects substantial interests has been held.
- (5) Perform such other duties as may be authorized or required by the Board or the General Manager.

#### Section 1.06 Office Location.

The main office of the District is located at 98880 Overseas Highway, Key Largo, Florida, 33037, which is also the District's mailing address. The telephone number is (305) 451-5105.

#### Section 1.07 Office Hours.

District office hours are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except on Official Holidays.

#### Section 1.08 Conducting Business with the District.

Unless otherwise specifically provided in these rules, all comments, correspondence, communications, or requests for information should be made in writing and addressed to the General Manager at the main office in Key Largo, Florida. Requests for placement on any notice or mailing list should be made in writing and addressed to the Manager at the main office.

Documents cannot be filed by electronic transmission.

#### Section 1.09 District Meetings.

All meetings of the Board are public meetings conducted in accordance with section 286.011, Florida Statutes, including the maintenance and recordation of official minutes. A meeting of the Board may include segments as described below:

- (1) Workshops are gatherings of members of the Board or its staff as designated by the Board for the purposes of discussion of District business and projects, at which time rule drafting may occur but no official vote may be taken nor policy adopted. Such workshops will be open to the public, but it will be within the sole discretion of the presiding officer whether or not to permit public comment.
- (2) Public hearings are public gatherings of the Board for the purpose of obtaining information and receiving public comment on activities proposed by the Board, but at which no official action may be taken nor policy adopted.
- (3) Public forums or community meetings are public gatherings of the District's Board and/or designated representatives for the sole purpose of exchanging information and receiving public comment on activities relative to the District, but at which no official action may be taken nor policy adopted.

#### Section 1.10 Handicap Access to Meetings.

Whenever the District has scheduled a meeting at which official acts are to be taken and has received, at least forty-eight (48) hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, there will be provided a manner by which such person may attend the meeting or the meeting will be rescheduled to a site accessible to such person. If a physically handicapped person objects in writing to the use of human physical assistance in lieu of the construction or use of ramps or other mechanical devices, such human physical assistance will not be used in lieu of ramps or mechanical devices.

#### Section 1.11 Policy Development and Adoption.

The District operates under policies which are approved by the Board.

- (1) Policy Development. The adoption, amendment, or repeal of District policies will occur at public meetings.

- (2) Public Input. The District will receive and maintain all public input relative to policy development as part of the permanent record. The permanent record will include any written comments from the public and comments of speakers made at public meetings.
- (3) Recordkeeping. The District Clerk will maintain permanent records of policy development.

#### Section 1.12 Access to Public Records.

All District public records, as that term is defined in Chapter 119, Florida Statutes, may be inspected and copied at the District's main office during office hours, unless otherwise restricted by law.

All forms and instructions used by the District in conducting its business are available without cost at the main office. Copies of other public records held by the District may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes.

If more than ten (10) pages are requested to be copied, the District may require that the copies be made at its convenience within a reasonable time to be picked up by the recipient or forwarded to the recipient. In that event, the Person seeking the public records must pay the cost of such copies and the estimated postage fee in advance.

#### Section 1.13 Limitation of Access to Records.

It is the policy of the District to permit maximum public participation by each and every Person affected by its activities.

Public records requests may be made orally or in writing. When a Person asks to see public records, the request will be referred to the Clerk, who will coordinate the production of such records and, in conjunction with District Counsel, will assert, on behalf of the District, any applicable privilege. All oral requests and responses will be recorded in written form and a copy of the record of the request and production will be maintained on file. The District may charge the fees allowed by law for production and copying, including without limitation, the special fees allowed for the extensive use of information technology, resources or labor cost. The District will charge \$1.00 per page for certified copies or a greater charge as may be subsequently allowed by law.

### **Article II. District Procurement of Goods and Services**

The District procures goods and services pursuant to its authority under the Key Largo Wastewater Treatment District Act and the Uniform Special District Accountability Act of 1989, as amended (§ 189, Fla. Stat.) In general, it is the policy of the District to procure goods and services through formal or informal competition. However, when the best interests of the District are served by non-competitive procurement, the District will act accordingly. (§ 189.441, Fla. Stat.)

#### Section 2.01 Professional Design and Design/Build Services.

The District procures the services of design professionals and Design/Builders under and in accordance with the Consultants' Competitive Negotiation Act (§ 287.055 Fla. Stat.) Design/Build services include construction management services.

## Section 2.02 Construction Services.

For construction projects expected to cost more than \$200,000 (in 1994 dollars), the District ordinarily procures construction services through formal competition, i.e., sealed bids, sealed proposals, or competitive negotiation. However, there are many exceptions to the statutory requirement for formal competition, and the District may elect to use non-competitive procurement methods as permitted by statute.

## Section 2.03 Procurement Protest.

**Purpose and Scope.** The purpose of this policy is to establish the requirements to be followed by interested vendors or contractors who are adversely affected by the public procurement process.

### (1) Notice of Protest.

- (i) A notice of protest regarding any contract award or rejection of any bid or proposal must be addressed to the District. The notice must identify the procurement title and the bid number. The notice must be addressed to the General Manager at the District's mailing address.
- (ii) The notice must be received by the District within 72 hours of the District's issuance of a Notice of Intent to take action regarding the procurement, provided that if the date that the notice must be received would fall on a Saturday, Sunday, or Official Holiday, the time for receipt of the notice is extended to the next Business Day.
- (iii) The notice of protest must be filed by a contractor or vendor who was adversely affected by the District's decision or intended decision on a bid or proposal submitted by the contractor or vendor.

### (2) Formal Written Protest

- (i) The formal written protest must be verified by the protestor, and may be filed with the Notice of Protest or, if not filed with the Notice of Protest, must be received by the District no later than 5 Business Days after the District's receipt of the Notice of Protest.
- (ii) The formal written protest must contain:
  - 1) *A concise statement of the ultimate facts alleged, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact the petition must so indicate;*
  - 2) *The rules, statutes, contract documents, specifications, and constitutional provisions that entitle the petitioner to relief;*
  - 3) *A statement describing clearly and with reasonable particularity how the District action will affect the petitioner's substantial interest;*
  - 4) *A demand for the relief to which the petitioner deems itself entitled;*
  - 5) *Any facts that, in the petitioner's belief, justify or require suspension of the contract award process pending resolution of the protest;*
  - 6) *Such other information which the petitioner contends is material.*
- (iii) Failure to file a formal written protest within the allotted time will constitute abandonment and cancellation of the Notice of Protest.



(3) District Response to a Protest.

- (i) The District will not delay the contract award on account of a protest unless the General Manager determines in writing that the contract award process should be suspended in the best interests of the District.
- (ii) Upon receipt of the formal written protest petition which has been timely filed, the District will attempt to resolve the protest by agreement within seven (7) days, excluding Saturday, Sunday and Official Holidays.
- (iii) In the event the protest is not resolved by agreement, the General Manager will review all evidence relative to the bid and the information contained within the formal written protest and will render a written decision on the protest within 10 business days of receipt of the formal written protest.
- (iv) The decision on the bid protest will be provided to all contractors or vendors who submitted a bid.

**Article III. Provision of Wastewater Service in General**

**Section 3.01 Availability of Wastewater Service.**

The existence of a Force Main adjacent to or near the premises of an applicant for Wastewater Service does not necessarily mean that such service is available to that location. Wastewater Service in areas where only Force Mains exist may require the installation of a Wastewater Collection System. The availability of Wastewater Service will be determined by the District.

In order to avoid economic waste, advance coordination and cooperation with other governmental agencies, and protect the public health, safety and welfare by preserving the integrity of the District's facilities and systems, it is the responsibility of each Owner to obtain all necessary or applicable permits or other approvals required by other governmental agencies.

**Section 3.02 Wastewater Connections.**

- (1) Control of installations on private property. The Owner has the right to control the placement, manner, use, and disposition of the installation on private property, subject to the District's minimum design and construction standards and as is reasonably necessary to protect the efficiency and integrity of the District's Wastewater System. Such control is afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property.
- (2) Contractor or Owner/Builder Installation. Whenever Wastewater Service is required, the Owner must retain a qualified contractor to install the required facilities extensions and connections. Alternatively, the Owner may cause the required facilities extension and connections through the applicable local government owner/builder permitting process. All facilities must conform to the District's then-current Minimum Design and Construction Standards and Specifications for Wastewater Systems.
- (3) Cross-Connections. Any physical arrangement or connection of pipes, fixture or other water facility between a system containing water and a system containing Wastewater or any other substance is strictly prohibited. Should such a connection be determined to exist, the District will terminate Service until such time as the connection or arrangement of systems has been reconnected to the

District's satisfaction. In such event the Customer may reapply for Service, subject to all applicable fees and charges.

- (4) Valve Chambers. When applicable, Vacuum Valve Chambers will be furnished by the District and remain the property of the District. Vacuum valve chambers will be placed in a convenient location in a dedicated right-of-way, Easement, or license area designated for utility use adjacent to the Premises. The installation will be inspected and approved by the District and may not be tampered with or removed or disturbed, except with the District's express written permission.
- (5) Contiguous Properties. No Customer may extend Wastewater lines across a public street, alley, or other public or private highway or property line not included in the agreement for service to furnish Service to adjacent Premises through a single connection, even if such adjacent Premises are owned by the Customer. All lands constituting the Premises contained within the agreement for service must be contiguous.

### Section 3.03 Agreement for Service; General Conditions

The District will enter into an agreement for service with each Customer, and that agreement will define the contractual obligations of the Customer and the District. In the event an agreement for service has not been entered into between the District and the Customer, acceptance and use of any Service will constitute ratification and acceptance of the terms and conditions of Wastewater Service applicable to all Customers similarly situated who have executed an agreement for service, or are otherwise similarly required to execute or enter into an agreement for service.

The following general conditions apply to all agreements for service:

- (1) Assignment or Transfer. The agreement for service may not be assigned or transferred.
- (2) Duration of Agreement. The agreement for service will remain in effect until the Customer making the agreement, paying the required System Development Charge requests that Service be discontinued and the account final billed. However, a new Customer presenting proof of lawful occupancy of the Premises, executing an agreement for service, and paying currently required fees and deposits, will result in:
  - (i) The final billing of the said account to the previous account holder; and
  - (ii) The establishment of a new Service account.
- (3) When Wastewater Service is rendered under an agreement for service entered into between the District and the Owner, or authorized agent thereof, the use of such Service by the Customer will constitute ratification of the agreement for service.
- (4) Wastewater Service may be used by the Customer only for the purposes specified in the agreement for service.

### Section 3.04 Joint Service.

When two or more separate residential or non-residential Premises are served by one Service Connection, both or all of the Owners must sign the agreement for service. The Owners of each Premises is jointly and severally liable for all debts to the District incurred in connection with the Service and its use.

### Section 3.05 Indebtedness.

The District will not enter into an agreement for service with a Person that is in any way indebted to the District until such debt is made current or has been satisfied. Debts which are incurred by one spouse will be imputed to both spouses if incurred during the course of the marriage.

### Section 3.06 Change of Occupancy.

When change of occupancy of any Premises occurs, prior notice thereof must be given in writing by the outgoing Customer to the District customer service office. The outgoing Customer is responsible for all Service rendered to the Premises up to the date of change of occupancy.

### Section 3.07 Temporary Shut-Off of Wastewater Service.

Temporary disconnection of Wastewater Service by the District for emergency maintenance, repair or replacement is exempt from payment of a Service charge for reconnection. Such temporary disconnection of Service will not affect the agreement for service.

### Section 3.08 Duty to Make Payment.

A Customer that enters into an agreement for service is responsible for all Wastewater Service provided to the Premises and all fees and charges incurred in connection with the rendering of service. Failure to pay amounts due the District within the time designated for payment will result in the disconnection of Wastewater Service until all amounts due the District have been paid in full.

### Section 3.09 District Powers to Collect Amounts Due.

- (1) The District reserves the right to change its rates for Service and other fees and charges or otherwise vary the terms and conditions of the agreement for service, as those terms and conditions are defined in Section 3.02, as may be required to reflect changing costs or otherwise facilitate the successful operation of the District.
- (2) The District is authorized to fix and collect rates, rentals, fees, and charges for the use of any Wastewater System facilities.
- (3) The District may provide for reasonable penalties against any User for any charges that are delinquent.
- (4) In the event that a delinquency occurs and the delinquent charges are not paid and remain delinquent for 30 days or more, the District may discontinue and shut off services until such delinquent charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services are fully paid.
- (5) The District may recover delinquent charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, together with reasonable attorneys' fees and other expenses by suit in any court of competent jurisdiction, and by any other lawful method of enforcement.
- (6) Any and all power or authority available to the District to enforce the use of its facilities whenever and wherever they are available and enforce, recover or collect any rates, fees or charges imposed by the District are cumulative, supplemental and alternative. The District is not constrained to select a single

approach, nor is it constrained to seek a single remedy in enforcing any power or authority available to it.

- (7) The District will use reasonable diligence to provide continuous service, but will not be liable to the customer for any damages or loss caused by system failure or interruption of service.
- (8) The District reserves the right to transfer debts owed by a Owner/Customer for Service provided to a given Premises to any other Active Account for which the Customer has an existing agreement for service, and to take appropriate measures for securing payment of such debt.

#### Section 3.10 Duty to Protect District Property.

- (1) The Customer is under a duty to exercise due care to protect any Wastewater facilities that are located on the Property.
- (2) The Customer may not allow anyone access to such facilities, except the District's agents or Persons otherwise authorized by law, each of whom will first display to the Customer identification and evidence of authorization for entry.
- (3) When the District's facilities are damaged by contractors, governmental agencies, or others, the District will repair such damage and charge the total cost thereof to the Persons causing the damage.
- (4) In the event of any loss or damage to the District's property or any Wastewater Facilities arising from the negligence or intentional misuse by the Customer, its agents, invitees, or assignees, the total cost of replacing such loss or repairing such damage will be charged to the Owner at cost.

#### Section 3.11 Tampering.

- (1) Tampering with water meters or the District's Wastewater System components or facilities, including but not limited to, collection mains, manholes, Force Mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, or enclosures is prohibited by section 812.14, Florida Statutes.
- (2) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any Person found in a civil action to have violated the provisions of section 812.14, Florida Statutes, is liable to the District in an amount equal to 3 times the amount of services unlawfully obtained or \$1000.00, whichever is greater.
- (3) The Owner must promptly report any Tampering to the District and is responsible for any Tampering caused by its agents or other Persons using the Premises with or without the Owner's consent.
- (4) Upon receipt of notification by either an individual or employee of the District that there is reasonable cause to suspect that Tampering with District's property or facilities has occurred at any premises served by the District, the District will cause an investigation to be made of those premises.
- (5) If an on-site inspection verifies that Tampering has occurred, the District will charge a Tampering investigation charge to cover its expenses in conducting said investigation and take measures to deter further Tampering. Any Tampering that results in a substantial reduction in the cost of services received by a person, the District will charge a Tampering Charge.

- (6) If it is reasonably established that the person who has tampered with District facilities is the same person who occupied or resided at the site at the time of the Tampering, then that person will be responsible for the Tampering Charge and all other appropriate charges. However, if that Person demonstrates that another party is responsible for the Tampering, the District will use such demonstration as its basis to pursue appropriate and adequate restitution for said Tampering from the other party demonstrated to have been the one doing the Tampering.
- (7) Tampering will be presumed to have been caused by the/Customer or Owner that receives a monetary or other economic benefit therefrom.
- (8) Tampering that results in a substantial reduction in the cost of services received by a Customer will be presumed to have been known to the Customer if not reported to the Authority within one billing period after the reduction in the cost of the Service received becomes evident. In such event it will be presumed that the Tampering was willfully allowed to persist by the/Customer.
- (9) The District may, without prior written authorization, confiscate any materials or facilities/that are connected to the Authority's Wastewater system for use as evidence in further legal proceedings.
- (10) For Tampering charges, see Section 9.08.

#### Section 3.12 Inspection of Customer Installation.

- (1) All installations of Wastewater Facilities or changes therein are subject to inspection by the District to ensure that piping, equipment and other facilities have been installed in accordance with the District's Minimum Design and Construction Standards and Specifications.
- (2) The District has the right, but not the duty, to inspect the Customer's installation prior to rendering Service and from time to time thereafter to ascertain the Owner's/Customer's compliance with the agreement for service and the provisions of Service policies, but the District assumes no responsibility whatsoever for any defects that are not detected by any such inspection.

#### Section 3.13 Customer's Duty to Maintain Installation.

- (1) Owner's Building Service Lateral must extend to the Point of Service.
- (2) The Customer may not utilize any appliance or device which may adversely affect Wastewater Service. The District reserves the right to withhold or to discontinue Wastewater Service whenever any such apparatus or device is being used.
- (3) The Customer's apparatus and equipment must be maintained in sound operating condition in accordance with standard practice, the rules of the District, and all other governmental regulations applicable thereto.
- (4) No changes in the Owner's installation that will materially affect the proper operation of the District's Wastewater Facilities may be made without the prior written consent of the District. The Customer is liable for any damage resulting from a violation of this provision.
- (5) Any violation of this subsection may result in termination of service or any other action available to the District by law. Petitions for enforcement may request declaratory relief; temporary or permanent equitable relief; any fine, forfeiture,

penalty or other remedy provided by statute; any combination of the foregoing; or, in the absence of any other specific statutory authority, a fine not to exceed \$1000.00.

#### Section 3.14 Customer Compliance with District Policies.

- (1) The Owner/Customer must comply with the District's connection policies as they exist at the time of execution of the agreement for service, or as they may subsequently be revised, amended, or adopted.
- (2) 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 disconnection of service.

#### Section 3.15 District License to Enter upon Property.

As a condition of connection to District Wastewater Service, the owner and occupant of the property upon which required facilities extensions and connections are located grants a license to the District to enter upon the affected property for the following purposes:

- (1) To install, inspect, repair, reconstruct, or otherwise maintain the installation or connection, subject to the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems. The District has the right, but not the duty, to make on-site inspections.
- (2) To discontinue and shut off services to delinquent accounts.
- (3) To remove the District's property.
- (4) For other purposes incidental to performance or termination of the agreement for service.

The Owner may not impede free access to any District facilities or other infrastructure connected to or served by District facilities.

In the event the District is unable to obtain access, Wastewater Service will be terminated and the Owner required to make a new application for agreement for service. Service may be restored upon payment of all outstanding amounts due.

#### Section 3.16 Right to Refuse Service.

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 of benefit to the District.

#### Section 3.17 Discontinuance or Termination of Service.

The District may 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.

#### Section 3.18 Notice of District Decision.

The District will send to the Customer by first class U.S. mail, postage prepaid, addressed to the address of record on file with the District, notice of termination of

Wastewater Service. The District will post notice in a newspaper of general circulation or other postings sites of public access of any other District Decisions which would substantially affect a customer group.

## **Article IV. Mandatory Connection**

### **Section 4.01 Mandatory Connection Findings.**

The District has ascertained, determined, and declared that:

- (1) The Florida Legislature has identified the Florida Keys as an area of critical state concern; pollution and questionable water quality resulting from the absence of adequate Wastewater Treatment throughout the Florida Keys is a threat to the environment and the health, safety and welfare of landowners and persons inhabiting the Florida Keys.
- (2) The Florida Legislature has charged the District with the responsibility to plan and provide for water and sewer systems within the Florida Keys and to enforce the use of its Wastewater Facilities whenever and wherever they are accessible.
- (3) The Florida Legislature has empowered the District to both prohibit the use of and mandate the use of Wastewater Facilities within the Florida Keys.
- (4) The Florida Legislature has authorized, and Monroe County has enacted, local legislation that requires connection to a central sewage system within specified time periods, even if the affected Property is receiving treatment from a lawful and adequate Onsite Sewage Treatment and Disposal System.
- (5) The District has embarked upon the creation of Wastewater System to manage and treat Wastewater and improve the water quality in the Florida Keys. The presence of the District's Wastewater Facilities are intended to enhance and benefit the environment and the health, safety and general welfare of landowners and persons inhabiting the Florida Keys.
- (6) Mandatory connection to the District's Wastewater System is fundamental to the successful financing, creation and operation of the District's Wastewater System.
- (7) Mandatory connections to a governmental utility system and the subsequent charges flowing therefrom have long been held to be a proper exercise of a governmental power to regulate and protect the welfare of the public.

### **Section 4.02 Duty to Connect.**

- (1) The Owner of an improved parcel of land must, at the Owner's expense, connect to the District's Wastewater System upon written notification that the District's Wastewater Facilities are available for connection, as that term is defined in applicable law.
- (2) Where the District's Wastewater System is available to Premises with an existing OSTDS, the Owner must decommission, abandon, or otherwise disconnect from the existing OSTDS in accordance with the requirements of applicable law, and must connect the buildings on the property or premises to the District's Wastewater System.

### **Section 4.03 Failure to Connect.**

- (1) An Owner that fails or refuses to connect its Premises to the District Wastewater Facilities within the time specified after receipt of written notification of the

availability of Service is responsible for the payment of all fees and charges imposed by the District in connection with the provision of Wastewater Service, even if the Premises does not actually receive Wastewater Service due to failure of the Owner to connect to the District Wastewater Facilities.

- (2) In the event an Owner fails or refuses to timely connect the Premises, any OSTDS or a building to the District's Wastewater Facilities within the time prescribed herein, the District will seek to otherwise compel connection by any other available means, including judicial process, and will proceed to collect all SDC charges, monthly charges, and other charges to which the District would be entitled if the Owner had connected the Premises.
- (3) In the event the District is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the District including attorney fees and court costs will be assessed to the Owner.

## **Article V. Classes of Wastewater Service**

The District renders Wastewater Service to various general classes of Customers as described below:

### **Section 5.01 Residential (Single Unit) Wastewater Service.**

- (1) Eligible Premises are single-family dwellings and permanently-located mobile homes
- (2) To obtain Residential (Single Unit) Wastewater Service from an existing Wastewater Collection System an application must be made at the District's office. The applicant must complete and sign an agreement for service. The applicant must also provide suitable identification in the form of a government-issued picture I.D. The Customer must insure that its name, the street address and an accurate legal description of the property and its use, and other required information, are correctly entered upon the agreement for service. Upon payment of all required fees and charges, the District will issue an agreement for service to be executed by the parties. The agreement for service is the contract that establishes the relationship between the Customer and the District under which the Customer is rendered Wastewater Service and payment to the District for said service is made.

### **Section 5.02 Senior Citizens/Disabled American Veteran Wastewater Service.**

- (1) A Customer with Residential (Single Unit) Residential Service, and who currently receives Senior Citizens/Disabled American Veterans Wastewater Service from the Florida Keys Aqueduct Authority, is entitled to Senior/Citizens/Disabled American Veteran Wastewater Service, commencing with the first billing cycle after providing the District with satisfactory upon proof of eligibility.
- (2) An Application for Senior Citizens/Disabled American Veterans Service must be submitted for each year in which the Senior Citizens/Disabled American Veterans rate is to be granted.

### **Section 5.03 Non-Residential (Single Unit) Wastewater Service**

- (1) Eligible Premises are non-residential properties occupied entirely by a single entity.



- (2) To obtain Non-Residential (Single Unit) Wastewater Service, application must be made in the same manner as for Residential (Single Unit) Wastewater Service (see Section 5.01), with the following additional requirements:
  - (i) Evidence that the premises to be served are or will be employed for a non-residential purpose.
  - (ii) The entity to be served must upgrade, or pay the District to upgrade, Off-Site Wastewater Mains to adequately serve the proposed facility and construct all on-site Wastewater Collection Systems in accordance with the Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the District's Referenced Documents Notebook as "Minimum Construction Standards and Specifications").
- (3) An agreement for service for a business entity must be executed by an authorized representative of the business entity. If such person's representative capacity is not indicated on the agreement for service, such person is personally responsible for the Account. Examples of authorized representatives are:
  - (i) An authorized representative of a corporation is the President, Chief Executive Officer, Vice President, General Manager, Branch Manager, or District Manager, or any person specifically authorized by resolution of the corporation to execute the agreement for service.
  - (ii) An authorized representative of a partnership is any general partner or any person specifically authorized by resolution of the partnership to execute the agreement for service.
  - (iii) An authorized representative of a Limited Liability Company, Limited Liability Partnership, or other business entity is any person specifically authorized by resolution of the business entity to execute the agreement for service.

#### Section 5.04 Multiple Unit Wastewater Service.

- (1) Eligible Premises are residential or non-residential Premises occupied, or available for occupancy, by more than one entity, and residential Premises consisting of more than one dwelling unit, except where each dwelling unit has a separate water meter.
- (2) Application for Multiple Unit Wastewater Service is made in the same manner as for Residential (Single Unit) Wastewater Service (see Section 5.01) or Non-Residential (Single Unit) Wastewater Service (see Section 5.03), with the following additional requirements:
- (3) The agreement for service must be executed by the Owner and must specify the number of Service Units to be served. Additional Service Units will not be served unless approved by the District. Such approval may require the payment of additional charges consistent with Section 5.03(2)(ii), above.
- (4) New Service Units are subject to the currently valid fees, charges, and conditions as are applicable at the time of Service application to comparable classes of Service, including SDC.
- (5) All Customer-owned Wastewater appliances must be approved by the District before being attached to the Customer's currently serviced Wastewater system.

## **Article VI. Provision of Wastewater Service to Unimproved Parcels**

### **Section 6.01 Unimproved Parcel in an Improved Subdivision.**

In a case where the District is constructing Wastewater Facilities within an improved subdivision, the District will, in its discretion, provide Wastewater Facilities to unimproved parcels within the subdivision when the District concludes that the best interests of the District would be served thereby. In order to request such provision of facilities, the Owner or lawful occupant of the parcel must do the following:

- (1) Determine by inquiry to the District whether the property to be served is adjacent to an adequately sized Wastewater Collection Main of the District's Wastewater Facilities. In the event that it is not, the applicant must cause to be constructed an adequately sized Wastewater Main Extension at the applicant's expense from the nearest existing adequately sized Wastewater Collection Main, as determined by the District, in accordance with the District's extension requirements and the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems;
- (2) Provide a signed and sealed boundary survey and a legal description of the property to be served;
- (3) Complete and sign an agreement for service;
- (4) Pays all appropriate fees and charges, including the System Development Charge

### **Section 6.02 Developer's Agreement for Future Wastewater Service.**

- (1) Prior to the commencement of construction of facilities or structures on individual Premises or on an approved development, the District may enter into a Developer's Agreement with an Owner/Developer for the purpose of assuring the availability of Wastewater Service to the development upon completion of construction. Such assurance is conditioned upon fulfillment by the Owner/Developer of the requirements of the agreement for service.
- (2) The Owner/Developer must pay in advance all System Development Charges, and other fees and charges required under the Developer's Agreement and the agreement for service.
- (3) Failure to comply with the terms of the Developer's Agreement may result in the District declining to provide Wastewater Service upon completion of the development, until the terms of the agreement for service and the Developer's Agreement are fully satisfied, including payments of applicable assessments and Delinquent Account penalties.
- (4) The execution of a Developer's Agreement does not exempt the Owner/Developer from compliance with the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems and the obligation to obtain all requisite federal, state, and local governmental permits, licenses, or approvals.
- (5) The Developer's Agreement is not an agreement for service.
- (6) The District will charge a Plan Review Fee. See Section 9.01.

### **Section 6.03 Construction and Connection of Systems on Private Property.**

As part of the construction of new wastewater systems, the District will, in certain cases and only through an Agreement with the property Owner, construct wastewater collection and transmission systems on private property when it is determined to be in the best interests of the District and the users of the new system. This policy applies only to the construction of wastewater systems in areas receiving wastewater service from the District for the first time.

## **Article VII. Extension of Wastewater Facilities.**

### **Section 7.01 General.**

This Section provides information regarding the District specifications, requirements and procedures for obtaining a commitment for Wastewater Service to new or existing facilities on a property. These general requirements will also be followed by persons desiring to obtain service for an existing or proposed single-family dwelling.

### **Section 7.02 Planned Extension of Wastewater Facilities.**

- (1) The District has adopted the Monroe County Sanitary Wastewater Master Plan, as a comprehensive planning document for the implementation of Wastewater Service within the District. Such wastewater master plan outlines recommendations for the District to effectuate the provision of Wastewater Service within the District.
- (2) As funding is available, the District will construct Wastewater Collection, Treatment and Disposal Systems. The District will establish rates, fees and charges to recover the costs of system development, operation and maintenance.

### **Section 7.03 Extension of Wastewater Facilities on Request**

- (1) An Owner seeking to obtain a commitment for Wastewater Service from the District for new development or re-development of an existing property that may require the installation or extension of Wastewater Facilities must identify system capacity needs for, or must have previously identified the number of EDU's corresponding to the anticipated requirements of the project. The Owner must complete and provide to the District a Wastewater EDU Data Determination Work Sheet available at the District's main office.
- (2) The District will advise the Owner in writing as to whether Wastewater Service is available and whether the installation of Wastewater Facilities is required. Such District advice does not constitute an assurance of Wastewater Service. Wastewater Service is conditioned upon compliance with the rules of the District, and the terms and conditions of any contract which may be entered into between the Owner/Developer and the District.
- (3) Wastewater Facilities are required when there are no existing facilities to a property or when the District determines that existing facilities are not of adequate capacity to provide Wastewater Service for the project.
- (4) The Owner must convey to the District all Wastewater Facilities up to the Point of Service, free and clear of all encumbrances, with related cost documentation, perpetual right-of-way and Easements for appropriate access, and completed as-built drawings for all such facilities prior to acceptance and initiation of service.

- (5) To facilitate Wastewater Service to all properties in the District's Service area, the Owner must, at its own cost and expense, extend Wastewater Mains (i.e., gravity mains, vacuum mains, pressure Force Mains, and the like) along the full length of the road frontage for properties obtaining service.
- (6) The District may require Wastewater Main Extensions through said property if an adjacent property is to be served in the future. A Wastewater Main Extension will not be required when there is no possibility of future development beyond the property requesting service.
- (7) Permit Application Procedure for Owner-Installed Facilities.
  - (i) The District will review and approve the plans and specifications for all Wastewater Facilities to be installed by the Owner.
  - (ii) The Owner must submit an Application for Permit to Construct Wastewater Facilities. The application must include following information:
    - 1) *Name, address, and signature of the Owner or Developer.*
    - 2) *Legal description of the property for which Wastewater Service is desired as prepared by a licensed land surveyor.*
    - 3) *For a recorded subdivision, a copy of the recorded plat.*
    - 4) *For new subdivisions, an approved tentative plat, or if available, a master development plan; a preliminary utility plan indicating the location of the proposed Wastewater Facilities within rights-of-way and utility easements.*
    - 5) *For all projects, except an individual Owner constructing a single-family residence, a complete set of drawings including site plans, building layouts, and plumbing plans, indicating all proposed Wastewater Facilities and Main Extensions.*
    - 6) *A statement indicating which new required Wastewater Facilities located within the project, if any, the applicant will convey to the District for perpetual ownership, operation and maintenance.*
  - (iii) The Owner must ratify and accept all the provisions of the District's policies as terms and conditions applicable to the provision of Wastewater Service by the District.
- (8) Construction.
  - (i) The District will periodically inspect the installation of all Wastewater Facilities during construction in accordance with the terms of the construction permit and will indicate compliance therewith. Such inspections are intended to assure that the Wastewater Facilities are installed in accordance with the approved design, are consistent with the criteria and specifications governing the kind and quality of such installations, and constitute the documentation indicating construction and testing in accordance with the minimum standards of the District.
  - (ii) The District will be present at tests of component parts of the Wastewater System for the purpose of determining that the system, as constructed, conforms to the District's criteria for infiltration, inflow, pressure testing, line, grade, operation, maintenance, repair and replacement. Testing will be performed by the Owner's contractor but only under the direct observation of the District's construction coordinator and the Owner's engineer. No connection to an existing District facility may be made except in the presence of the District's inspector.
- (9) District Acceptance of Wastewater Facilities and Service Initiation.
  - (i) The District may agree to accept Wastewater Facilities for ownership, operation, and maintenance subject to the conditions and standards described in this Subsection.

- (ii) Prior to Service Initiation and prior to transferring ownership of Wastewater Facilities to the District, the Owner must obtain and provide to the District a "Domestic Wastewater Collection/Transmission System Certificate of Completion of Construction" from DEP.
- (iii) Wastewater Facilities will not be accepted for ownership, operation, and maintenance unless the applicant demonstrates to the District's satisfaction that:
  - 1) *The Wastewater mains are located in a public right-of-way or within a platted or dedicated utility easement of sufficient width.*
  - 2) *The Wastewater Facilities have not been installed under any building or appurtenance thereto.*
  - 3) *There exists clear access to all easement areas, with adequate legal rights to assure that such access will be maintained.*
  - 4) *All necessary easements have been conveyed to the District by a separate, legally sufficient instrument that can and will be recorded in the public records of Monroe County.*
  - 5) *All construction has been performed under the observation of the District.*
  - 6) *The Wastewater Facilities have been constructed and tested in accordance with the Minimum Design and Construction Standards and Specifications of the District and are free from any and all defects in materials and workmanship.*
  - 7) *All materials and labor meet the current specifications of the District.*
  - 8) *All necessary permits have been received from federal, state, and local regulatory agencies.*
- (10) Acceptance of Wastewater Facilities located within an Easement available to the District is subject to the exercise of sound engineering judgment taking into consideration the size of the facilities, topography, and maintenance and operating constraints. Generally, right-of-way or easements located along rear or side-lot lines should be avoided.
- (11) Prior to acceptance, the Owner must provide a written warranty (in a format approved by the District) on all Wastewater Facilities, wherein the contractor guarantees correction of any defects in the work for a period of three years (or five years in the case of lift station and vacuum station pump and motor assemblies) from the date of final DEP certification. This obligation must be secured by a maintenance bond or irrevocable letter of credit, up to the amount of one hundred and ten percent (110%) of actual construction cost.
- (12) All Wastewater Facilities to be accepted for ownership, operation and maintenance by the District must be conveyed by general warranty deed. Prior to conveyance, the Developer/Owner must provide the District with:
  - (i) A breakdown of the actual construction cost of said facilities.
  - (ii) Copies of paid bills and lien waivers, releases or satisfactions, sufficient to indicate that all contractors, subcontractors, and material men have been paid in full. In lieu of such bills, waivers, releases, or satisfactions, a payment bond and transfer of liens to security may be substituted as deemed appropriate by the District's legal counsel.
  - (iii) One complete set of as-built drawings indicating the specific locations, depths, and other dimensions of all Wastewater Facilities and appurtenances as actually constructed.

#### Section 7.04 System Design; General Criteria.

- (1) The Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the District's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater") include:
  - (i) General Criteria.
  - (ii) Design Guidelines.
  - (iii) Approved Materials and Specifications.
  - (iv) Wastewater Collection and Transmission Main Design and Construction.
  - (v) Wastewater Lift Station and Vacuum/Pump Station Design and Construction.
  - (vi) Inspections and District of Construction Coordinators.
  - (vii) District of Non-Resident Construction Coordinators.
  - (viii) Record Information.

The Minimum Design and Construction Standards and Specifications for Wastewater Systems are available at the District's Main Office.

#### Section 7.05 Construction and Connection of Wastewater System on Private Property.

- (1) As part of the construction of new wastewater systems, the District will, in certain cases and only through an Agreement with a property owner, construct wastewater collection and transmission systems and water distribution systems on private property when it is determined to be in the best interest of the District and the users of the new system. This policy applies only to the construction of wastewater systems in areas receiving wastewater service from the District for the first time (as specified under herein).
- (2) This policy is applicable only to privately-owned multi-family residential properties that meet the following criteria:
  - (i) The property must have a minimum of five (5) dwelling units.
  - (ii) The property must have sufficient ingress and egress for construction equipment. The decision as to whether the property meets this criteria is solely within the discretion of the District.
  - (iii) The property must meet the definition for residential service. For mixed use properties that include both commercial and residential service, the residential service portion of the property must be at least 50% or more of the total EDU's served, as determined by the District based on Property Appraiser records, other State and local laws and regulations, and other available information, to be considered as residential use
- (3) To qualify under this policy, the property owner must agree to the following conditions:
  - (i) The units within the property must be individually metered for potable water service and the corresponding wastewater charges for monthly service must also be based on individual meters.
  - (ii) The property owner must grant all necessary easements and rights-of-way as necessary to allow for the installation of the wastewater collection system.

- (iii) The property owner must execute an Agreement with the District authorizing the construction of wastewater collection systems within the easements granted.
  - (iv) The property owner will be responsible for the cost of constructing the connections from the dwelling units and/or structures to the Point of Service, or the cost of upgrading existing connections to District standards, and the cost of abandoning OSTDS.
  - (v) If there is an existing wastewater collection system on the property, and the systems comply with District specifications. The owner must convey the systems, at no cost to the District. It will be the responsibility of the property owner to decommission or otherwise dispose of an existing wastewater treatment facility. The District may utilize the existing systems or replace them, solely at the discretion of the District.
- (4) As a result of this policy, the District will perform the following:
- (i) The District will install a wastewater collection system within the property as a condition of providing service. If the existing wastewater system is conveyed to the District, the District will operate and maintain the system or replace it at no cost to the owner other than the periodic fees applicable to similarly situated customers.
  - (ii) After construction of the KLWTD Facilities, the District will own, operate and maintain the Wastewater Facilities and have the right to enter the property to ensure the continuance of service.

## **Article VIII. WASTEWATER PRETREATMENT**

### **Section 8.01 Purpose and Policy.**

This Chapter provides for the regulation of direct and indirect Discharge into the District's Wastewater Collection System through the issuance of permits to industrial Users, and through enforcement of general requirements for other Users. This Chapter does not apply to Residential Connections as defined herein. The District may impose any and all conditions necessary or appropriate to:

- (1) Implement monitoring activities, Enforcement activities, User reporting, and provide for the setting of fees for the equitable distribution of costs resulting from establishment, implementation and Enforcement of the program.
- (2) Regulate Users that might Discharge hazardous, toxic or unusually strong Discharges into the Wastewater Collection System, regardless of volume.
- (3) Prevent the introduction of Pollutants into the collection and treatment system which could interfere with the operation of the system, contaminate the resulting Sludge, or pass through into the receiving waters or the atmosphere.
- (4) Provide uniform requirements for Industrial Wastewater Discharge.
- (5) Protect the Wastewater treatment plant operators, transmission system workers, collection and Wastewater treatment facilities, the public, and the environment from harmful Pollutants in the Wastewater System.

### **Section 8.02 General Requirements.**

All existing and proposed non-residential Users must complete a Wastewater Discharge Survey in conjunction with the submittal of construction plans, as set forth herein. The plans must show all Discharge Points into the District's Wastewater System. The plans must show sample points if required.

- (1) The following Industrial Users must file a written notice of intent with the District at least ninety (90) calendar days before commencing Discharge in the District's Wastewater System.
  - (i) Users purchasing an existing facility from which a Discharge of Industrial Wastewater into the District Wastewater System is proposed.
  - (ii) Users constructing a new facility from which a Discharge of Industrial Wastewater into the District Wastewater System is proposed.
  - (iii) Users proposing to Discharge Industrial Wastewater into the District Wastewater System from a facility which currently does not Discharge Industrial Wastewater.
  - (iv) Users planning to alter or change the activity at the User's facility that will significantly increase or decrease the volume or alter the content of any Existing Source of Wastewater Discharge into the District Wastewater System. This does not include changes in volume or content resulting from shifts in existing production levels at the User's facility. For purposes of this Chapter, a significant increase or decrease is defined as a twenty percent (20%) increase or decrease in the volume or the organic strength/solids loading of Industrial Wastewater currently being discharged. An alteration is defined as any change in chemicals utilized within a process that will significantly alter the characteristics of the Waste Discharge.
  - (v) Users proposing to alter or change the listed or characteristic hazardous wastes for which the User has submitted notification under 40 CFR. 403.12(p).
- (2) The notice of intent must be submitted in writing and must contain such information as required to allow the District to evaluate the effect of the proposed Discharge on its facilities and operations and to assure compliance with any applicable wastewater facilities use ordinance or similar local government ordinance. The notice of intent must be signed by the User, a principal executive officer of the User's company, or an authorized representative. The User must receive written approval from the District before commencing Discharge. Based upon the District's evaluation of the notice of intent, the User may be issued a Wastewater Discharge Permit or a permit modification, as appropriate.
- (3) All domestic Wastewater from restrooms, showers, drinking fountains, etc., must be kept separate from all Industrial Wastewater until the Industrial Wastewaters have passed through any required Pretreatment Systems or devices and the sampling or flow measuring point(s).
- (4) No person may connect or cause to connect any roof downspout, exterior foundation drain, areaway drain, or other source of surface runoff or groundwater to a building, Wastewater Service Line or drain which in turn is connected directly or indirectly to the District Wastewater System.

#### Section 8.03 Pretreatment Facility Requirements.

- (1) Significant Industrial Users (SIU), must design, construct, operate, and maintain, at their sole expense, those Pretreatment Facilities necessary to meet the District's standards. Any SIU required to construct Wastewater Pretreatment Facilities must provide plans, specifications, and other pertinent data or information prepared by a Registered Professional Engineer in the State of Florida to the District for review and approval. Any subsequent modifications may be made only upon prior written approval from the District.
- (2) Industrial Users (IU), must design, construct, operate, and maintain, at their sole expense, those Pretreatment Facilities necessary to meet the District's



standards. A Registered Professional Engineer acting on behalf of the User must determine the type, capacity, and location of the Pretreatment Facilities, subject to review and approval by the District. All modifications to or abandonment of Pretreatment Facilities require prior written approval from the District.

- (3) Establishments whose wastes containing oil or grease that are discharged into the District Wastewater System are required to have an OGI. OGIs must be designed, constructed, and maintained at the Owner's expense. A Registered Professional Engineer acting on behalf of the User must determine the capacity and location of the OGI. All modifications to or abandonment of OGIs require prior written approval from the District. All OGIs must be maintained to meet the District's Discharge Standards and are subject to surcharges for noncompliance with Conventional Pollutants. OGIs must be pumped out and cleaned as necessary, but in no instance may the frequency be less than once per year. The District must be provided with written documentation verifying this upon request. An OGI Fee will apply to each OGI.

#### Section 8.04 Permit Requirements.

##### (1) General Requirements.

SIU's must complete an Application for Industrial Wastewater Discharge Permit (IWWDP), available in the District's office. All SIU's must obtain an IWWDP as required by any applicable wastewater facilities use ordinance (or similar local government ordinance) prior to discharge. In addition, IU's which have the potential to impact the District's Wastewater System, must obtain an IWWDP. IWWDP permit fees will be billed annually. A specimen IWWDP transmittal letter and permit are available at the District's office.

##### (2) Permit Renewal.

The IWWDP will be renewed annually on the permit anniversary date unless:

- (i) The District determines that the IWWDP permit conditions have changed; or,
- (ii) The IU notifies the District that permit conditions have changed.

##### (3) Permit Modification.

- (i) IWWDP's may be modified by the District at any time for the following causes:
  - 1) *Substantial alterations to the Discharger's processes, or Discharge parameters;*
  - 2) *Correction of errors and omissions in the permit;*
  - 3) *Reflection of transfer of the facility ownership or operation to a new Owner/Operator; and,*
  - 4) *Fulfillment of request from the permittee, provided such request does not create a violation of any applicable requirement, standard, law, rule, or regulation.*
- (ii) Requests for IWWDP modifications must be made in writing and include facts or reasons which support the request. If the new or changed conditions are the result of new or changed Pretreatment Regulations, those Regulations will stipulate the compliance period.

##### (4) Permit Suspension/Termination.

- (i) Failure or refusal to pay any fees or charges in a timely manner will result in Termination of Service. In addition, IWWDP's and utility Service may be suspended or terminated for falsifying self-monitoring reports, Tampering with monitoring equipment,

refusing to allow timely access to the facility premises and records, and failure to meet effluent limits, to pay fines, or meet compliance schedules. Permits will be suspended immediately if the discharge poses immediate serious danger to the public health, safety, or welfare.

- (ii) Except in the case of immediate suspension under (a) above, written notification of intent to terminate or suspend permit and utility service due to the above violations will be made by the District to the holder of the permit. Failure to pay amounts due the District within the time designated for payment will result in disconnection of Wastewater Service until all amounts due, including delinquent fees and accrued interest, have been paid in full.

## Section 8.05 Monitoring and Reporting Requirements.

### (1) Self Monitoring.

- (i) General. SIU's are required to submit baseline monitoring reports, semi-annual IMR's, and Accidental Discharge Plans as required by the District in accordance with DEP Regulations 62-625, F.A.C. and any applicable wastewater facilities use ordinance (or similar local government ordinance). The District may require SIU's to submit an IMR more frequently than twice a year, if deemed necessary, to have sufficient representative data for compliance assessment. Other IU's may be required to submit an IMR (or maintenance records), as deemed necessary by the District, to ensure compliance with the Discharge Standards. Costs for sampling required by an Industrial Discharge Permit are to be borne by the discharger. If the discharger does not comply with sampling schedules, or other terms and conditions established by the District, the District may collect samples and analyze for the permit parameters. All expenses incurred by the District will be billed directly to the discharger At Cost.
- (ii) Notification of Permit Violations. SIU's are required to notify the District within 24 hours of becoming aware of a permit violation. The SIU is also required to immediately repeat the sampling and Pollutant analysis and submit to the District, in writing, the results of the second analysis within thirty (30) calendar days of the first violation unless the District performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of the sampling.

### (2) District Monitoring.

- (i) IWWDP Monitoring. The District will conduct independent inspection and sampling of Industrial Discharges at least once annually to all SIU's. Samples taken by the District during these visits will be analyzed for all pollutants regulated at that SIU. District monitoring may be conducted more frequently in order to obtain data representative of the nature and volume of the IU's Wastewater. Upon completion of the District's sampling activities, an IMR will be completed and placed in the appropriate Industrial Pretreatment Program file. Analytical results received from the laboratory and copies of the chain-of-custody document tags will also be retained.
- (ii) OGI Monitoring: District or its authorized representative will, at a minimum, conduct annual independent sampling of all OGI's. Samples taken by the District during these visits will be analyzed for Conventional Pollutants. District sampling may be conducted more frequently, if deemed necessary. In the event an OGI fails to meet the District's Discharge Standards, the User will be given thirty (30) calendar days to show proof that the subject OGI has been cleaned or repaired, or an Industrial Wastewater Surcharge will be levied until compliance is demonstrated. Costs for annual sampling of OGI's will be borne by the District. Costs for additional District sampling to demonstrate compliance will be borne by the discharger.

## Section 8.06 Sampling Requirements.

The type of sample to be collected depends on the purpose of the sampling survey and the nature of the waste stream being sampled. The permit will specify the sample collection method or type of sample(s) for each pollutant to be monitored. Most samples should be collected as composite samples except for those parameters that must be collected on a grab basis. The District will make available sampling requirements on request.

## Section 8.07 Reviewing Industrial Monitoring Reports (IMR's).

- (1) IMR's are the basis of the District's Compliance and Enforcement Program. The report provides information on IU flows, analytical data on effluent for specific Discharge Limits and Pretreatment Standards, and certification by signature that all conditions of the permit have been met. IMR's are reviewed and evaluated for compliance by the District. A log will be maintained for tracking of significant dates due and receipt schedule compliance, report completeness, and authorized signature. Flow data will be evaluated for slug discharges and noncompliance of mass discharges. The District will review, at least once every two years, whether each SIU needs to modify the Accidental Discharge Plan in order to control slug discharges.
- (2) If the IU meets permit requirements, the reports must be appropriately filed. Any discrepancy found in an IU's IMR will require clarification and correction. A violation of the permit indicated by IMR, occurring subsequent to clarification and correction will prompt the District to initiate an enforcement action. All alleged violations will be noted in the IU's file. This information will serve as a log for the compliance history of the IU and the enforcement responses of the District.
- (3) The IU is subject to surcharges for noncompliance with Conventional Pollutant Limitations. Surcharges must be calculated based on the reported discharge concentrations and will be applied to the IU's monthly billing statement.
- (4) Deleterious Discharges. If any Industrial Wastewater is discharged or proposed to be discharged to a Wastewater System that contains substances in excess of the standard strength for Wastewater, the IU is subject to Sewer Surcharge Fees equal to the additional cost of receiving, transporting, and treatment of those substances. These surcharges are in addition to standard User Charges or Pretreatment and Permitting Requirements. The standard strength for Wastewater is defined as follows

Standard Maximum Parameter Strength Allowable:

- 1) *C.O.D. 500 ppm - 1,000 ppm*
- 2) *BOD 250 ppm - 400 ppm*
- 3) *Suspended Solids (SS) 250 ppm - 400 ppm*
- 4) *Total Fats, Oil, and Grease (TFOG) 75 ppm - 150 ppm*

Discharges containing quantities of any of the above substances in excess of maximum allowable strength are subject to Pretreatment guidelines contained herein.

- (ii) The average concentration or strength of the Discharged Wastewater must be determined. Samples may be taken without advance notice. Test results made and approved are final in fixing the applicable rate. However, the User may request in

writing and secure a portion of the sample for independent laboratory testing, in which case the average of the two tests results will be used. The sample split will be obtained by the testing laboratory personnel with appropriate chain of custody documentation.

- 1) *Sampling must be a minimum of four (4) grab samples over a one (1) hour period and may extend to a twenty-four (24) hour composite series of grab samples. Frequency of sampling must equal the frequency of meter reading for general billing of User charges and that volume of Wastewater used to calculate the volume, in pounds, of the excessive substances.*
- 2) *Unless otherwise provided, the quantity of wastewater discharged to the Wastewater System by Industrial Users must be assumed as the same volume of potable water delivered and metered. Water obtained from sources other than those provided by the District must be metered and meter readings must be made available, or amounts of wastewater discharged may be estimated.*
- 3) *The document entitled "Standard Methods for the Examination of Water and Wastewater," dated 1998 and published by the American Public Health Association. All measurements, tests, and analyses of these characteristics must be determined in accordance with the Standard Methods. Sampling must be at the most accessible point downstream of the wastewater source that can be safely utilized.*

#### Section 8.08 Inspections.

- (1) Purpose. Surveillance and monitoring procedures are necessary to determine, independent of information supplied by IU's, compliance with applicable Pretreatment Standards and requirements. Inspections that determine an IU to be in noncompliance will result in enforcement action.
- (2) Frequency of Inspections. The District will inspect each Pretreatment Facility at least once a year. A facility may be inspected at any time.
- (3) Access to Facilities and Records. Entry into the IU's Premises will generally be made during the IU's working hours, unless there is a concern that physical conditions or records may be altered. The contact person will be notified upon arrival by District personnel. As long as District personnel are allowed to enter, entry is considered voluntary and consensual. If District personnel are denied entry, the District will obtain a probable cause inspection warrant in accordance with Chapter 933, Florida Statutes. All costs of obtaining such a warrant will be assessed and charged to the Customer, including attorney fees. During the inspection, the District may collect and confirm detailed information concerning the facility, the discharge source or treatment system, and the records including, but not limited to, compliance with applicable Pretreatment Standards and requirements.
- (4) Inspection Reports. Immediately following an inspection, an Industrial Wastewater Facility Inspection Report will be completed by the Pretreatment Program Coordinator. If requested, a copy will be provided to the IU.

#### Section 8.09 Enforcement.

The District will determine the appropriate enforcement action for non-compliance with the provisions of this program, any applicable wastewater facilities use ordinance, or similar local government ordinance.

## Section 8.10 Accidental Discharge; Upset and Bypass.

### (1) Accidental Discharge Plan and Procedure.

- (i) Each IU must provide and maintain at its own expense protection from the accidental discharge of prohibited material, slug loads, or other substances regulated by any applicable wastewater facilities use ordinance, or similar local government ordinance. In addition, all SIU's who are required to submit an accidental discharge plan will be notified by return receipt letter to complete such a plan within sixty (60) calendar days of notification.
- (ii) No IU may be permitted to discharge pollutants that violate the discharge standards of any applicable wastewater facilities use ordinance, or similar local government ordinance, until an accidental discharge procedure has been approved by the District. Detailed plans and operating procedures to provide this protection must be submitted to the District for review and approval. At a minimum, the plan must include, but is not limited to, a description of discharge practices, including non-routine batch and slug discharges, stored chemicals, containment areas, and necessary procedures to prevent accidental spills. District approval will not relieve the IU from responsibility of modifying the facility, if necessary, to meet any requirements of any applicable wastewater facilities use ordinance, or similar local government ordinance. The following are required elements of an accidental discharge plan:

1) *Description of discharge practices, including non-routine batch discharges.*

2) *Description of stored chemicals and containment areas.*

3) *Necessary procedures to prevent accidental spills, including:*

- a) Maintenance of storage areas.
- b) Handling and transfer of materials.
- c) Loading and unloading operations.
- d) Control of plant site storm water run-off.
- e) Worker training.
- f) Building containment structures for equipment.
- g) Measures for controlling toxic Pollutants (including solvents).
- h) Procedures and equipment for emergency response.
- i) Proposed follow up practices to limit damage to the environment or the District's equipment.

- (2) **Upset.** An Upset means an incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof. If unintentional and temporary noncompliance with Pretreatment Standards occurs because of factors beyond the reasonable control of the IU, the IU must demonstrate, with relevant evidence, that:

- (i) The IU has identified the cause of the Upset; and,
- (ii) The IU's facility was being properly operated; and,
- (iii) The IU properly notified the District of the Upset in accordance with the procedures set forth below.

- (3) Bypass. An IU may allow a Bypass to occur which does not cause a violation of the Pretreatment Standards or requirements but only if it is for essential maintenance of the Pretreatment Facility to assure efficient operation. If an IU knows in advance of the need for a Bypass, a notice to the District at least ten (10) calendar days before the date of the Bypass must be submitted. A Bypass that exceeds applicable Pretreatment Standards is prohibited, and the District will take enforcement action against an IU for a Bypass, unless:
- (i) The Bypass was unavoidable to prevent loss of life, personal injury or severe property damage as defined in Rule 62-625.200, F.A.C.; and
  - (ii) There were no technically feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (iii) The IU properly notifies the District of the Bypass in accordance with the procedures set forth below.
- (4) Notification of Accidental Discharge, Upset, or Bypass.
- (i) Immediate Notification. In the event of an Accidental Discharge, Upset or Bypass, the IU must take the necessary measures to stop, limit, or control the discharge. The IU must immediately notify the District. The notification must include:
    - 1) *Name and phone number of IU;*
    - 2) *Address of the Discharge;*
    - 3) *Type of Discharge;*
    - 4) *Concentration of Pollutants in the Discharge;*
    - 5) *Volume of Discharge; and*
    - 6) *Corrective measures taken.*
  - (ii) Written Notification. Within five (5) calendar days of the Accidental Discharge, Upset or Bypass, the IU must submit a written report to the Director. The report must include, but is not limited to:
    - 1) *Name and address of IU;*
    - 2) *Type of Discharge;*
    - 3) *Concentrations;*
    - 4) *Volume;*
    - 5) *Cause of the event;*
    - 6) *Duration of the event;*
    - 7) *Corrective measures taken; and*
    - 8) *Measures to be employed to prevent future incidents.*
  - (iii) In the event further information is requested, the discharger must provide such information within forty-eight (48) hours of the request.

### Section 8.11 Significant Industrial User Listing.

- (1) The District will maintain and regularly update a listing of all SIU's. This listing will include, but is not limited to, the following information:
  - (i) Name;
  - (ii) Location;
  - (iii) Customer account number;
  - (iv) Waste characterization;
  - (v) Effluent limits;
  - (vi) Discharge rates;
  - (vii) Permit status;
  - (viii) Compliance dates and other special requirements;
  - (ix) Industrial category; and
  - (x) Significant process and Discharge changes.
- (2) Information collected through the ongoing sampling and inspection activities by the District, as well as information on changes reported by the IU will be reviewed and promptly incorporated.

### Section 8.12 Notification of Applicable Standards and Requirements.

The District will notify SIU's of applicable federal, state and local pretreatment requirements. The District will stay informed of regulatory changes and provide SIU's with timely and effective notification of all applicable changes to pretreatment requirements.

- (1) Two methods that the District may use to notify SIU's of applicable regulations are:
  - (i) Mailing notifications to affected SIU's by certified mail with return-receipt requested;
  - (ii) Timely amendments to the permits. Such amendments, acknowledged by signature of company official, ensure that the SIU is aware of new regulations and significant regulatory modifications.
- (2) If the District updates the local discharge limits, public notification will be provided in the local newspaper so that both the IU and the general public may respond. If specific questions concerning implementation of new regulations and regulatory modifications arise, the District will contract the approval authority (DEP) to ensure that correct interpretations are made. If a category determination request needs to be made, procedures specified in Rule 62-625.410(2), F.A.C. must be followed.
- (3) However, the failure of the District to provide any notice will not relieve any IU of the Obligation to abide by any applicable pretreatment requirements.

### Section 8.13 Records Management.

- (1) The District maintains a records management system through the use of both a conventional filing system and a computerized records system. All records of Pretreatment Program activities are maintained for a minimum of three (3) years.

- (2) The records management system contains a copy of the permit, monitoring reports, results of sampling surveys and inspections, monitoring and compliance schedules and other pertinent permit data regarding the IU.

#### **Section 8.14 Annual Reporting of Pretreatment Program.**

The District will report at least annually to DEP on the status of the Pretreatment Program. Specific reporting requirements are established in the DEP General Operating Permit. The annual Pretreatment report information may include, but is not limited to:

- (1) Summary of treatment plant monitoring efforts (influent, effluent and Sludge);
- (2) Updated SIU listing;
- (3) Summary of permitting efforts
- (4) Inspection and monitoring efforts;
- (5) Reporting frequency of Industrial Users;
- (6) Summary of compliance status;
- (7) Description of each Significant Industrial User;
- (8) Changes in Discharge rates or characteristics of Pollutants;
- (9) Identification of new Pollutants;
- (10) List of Industrial Users in Noncompliance and Significant Noncompliance;
- (11) List of interference/Upset/pass-through;
- (12) Permit violations;
- (13) Notification efforts;
- (14) Summary of Enforcement actions (violation dates, Enforcement responses, compliance dates);
- (15) Evaluation of program effectiveness, local limits, resources, and program changes; and
- (16) Summary of public participation efforts.

#### **Article IX. Fees and Charges**

The District is authorized to impose fees and charges as appropriate to the construction, operation, and maintenance of its Wastewater System. Rates, fees and charges will be established by the Board.

##### **Section 9.01 Plan Review Fee.**

The District will charge a Plan Review Fee in connection with the review of plans and specifications to verify compliance with the minimum design standards for Wastewater Facilities proposed to be installed by the Owner/Developer.

The Plan Review Fee will vary with the size and type of project, is payable at the time of plan submission for Wastewater projects, and is as follows:

- (1) \$100 minimum, plus



- (2) \$1bd per 100 feet of required new Wastewater collection main after the 1st 100 feet.

#### Section 9.02 System Development Charge (SDC).

- (1) The (SDC) is charged to new Customers and existing Customers who modify, add or construct facilities that impose a potential increase in Wastewater flow to the system. This fee is charged to equitably offset the direct and indirect costs of capital improvements made necessary by actual and expected utilization of the capacity of the Wastewater Facilities.
- (2) The District is expressly authorized to impose and collect non-ad valorem assessments for District purposes under the Key Largo Wastewater Treatment District Act, following the procedures provided in Chapter 197, Florida Statutes.
- (3) In adopting this Policy the District has ascertained, determined and declared that:
  - (i) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities such as Wastewater Systems.
  - (ii) Future demand represented by development should contribute its fair share to the cost of improvements and additions to the District's Wastewater Facilities.
  - (iii) Implementation of an SDC to require development to contribute its fair share of the cost of improvements and additions to the District's Wastewater Facilities is an integral and vital element of the regulatory plan of growth management incorporated into the comprehensive plan of the underlying local governments.
  - (iv) Capital planning is an evolving process and the level of service identified in each applicable comprehensive plan for the District's Wastewater Facilities constitutes a projection of anticipated need for Wastewater Treatment and Transmission Facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, and the dynamic nature of population growth, it is the intent of the District that the level of service for the District's Wastewater Facilities and SDC imposed be reviewed and adjusted periodically, to insure that the SDC is imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition. The terms "growth," "growth necessitated improvements," "future growth" and the like will refer, and be construed as referring to Sewer System Impact Development either occurring or connecting, either directly or indirectly, to the District's Wastewater Facilities.
  - (v) The imposition of a SDC is to provide a source of revenue to fund the construction and improvement of the District's Wastewater Facilities either necessitated by the growth or as delineated in the capital improvement element of the applicable comprehensive plan.
  - (vi) The presence of the District's Wastewater Facilities enhances and benefits the health, safety and general welfare of all properties within the District's Service Area.
- (4) Except as provided in this subsection, all Sewer System Impact Development occurring within the Florida Keys and required to connect to the District's Wastewater Facilities must pay an SDC.

Federal, state and local governmental entities exempt by statute from system development charges will be exempt from the SDC that would be applicable but for such exemption. In order to obtain the exemption, the Customer must provide documentation of the legal basis for the exemption and evidence that the Customer satisfies all legal requirements for the exemption.

If such Premises are occupied by any person, organization or entity other than the one to which the exemption applies, or if the Premises are used for purposes unrelated to the principal uses and purposes of the exempt entity, such person, organization, or entity must pay any applicable SDC. If such occupant other than the Owner or entity does not pay said fees then the Owner to whom the exemption was granted may be required to pay the fees.

- (5) The SDC charged to Customers for the initial project costs of a newly constructed wastewater system will be assessed on the total number of Equivalent Dwelling Units (EDU's) to be served at the existing developed property.
- (6) The SDC is in addition to any amounts expended by the Customer for the installation of Wastewater Facilities improvements and for other fees or charges required by the District.
- (7) The obligation for payment of the SDC and the benefits derived there from will run with the land.
- (8) The SDC is not refundable.
- (9) At the time of application for service and establishment of an agreement for service, the number of EDU's to be served at a property will be determined from an EDU determination sheet. This information may be verified from review of approved plans and specifications presented by the applicant to the District or in the case of existing developed property from an on-site inspection by the District, and will be noted on the agreement for service.
- (10) Any right to Wastewater Service is assigned to the property served and is not transferable, except that where the premises served have been demolished, the Owner is entitled to transfer the SDC credits to new premises that replace the demolished Premises on the same property.
- (11) The following are exempted from payment of an SDC:
  - (i) Alterations or expansion of an existing building, structure, or improvement where no additional demand on the District's Wastewater Facilities will be created.
  - (ii) The construction of accessory buildings, structures, or improvements that will not create an additional demand on the District's Wastewater Facilities.
  - (iii) The replacement of an existing building, structure or improvement which has previously been subjected to a System Development Charge payable to the District where no additional demand is or will be created on the District's Wastewater Facilities.
- (12) SDC will be imposed and calculated for the alteration, expansion or replacement of Sewer System Impact Development which will result in a land use determined to create an additional demand on the District's Wastewater Facilities.
- (13) Whenever any person applies for a Building Permit to alter, expand or replace a building, structure or applicable improvement of Sewer System Impact Development land, even though the subject lands may receive interim service from a source other than the District, the SDC imposed will be calculated on the entirety of the lands subject to the Building Permit. Where the alteration, expansion or replacement occurs on lands for which an SDC has already been paid, the SDC imposed will be only upon the additional demand created by the alteration, expansion or replacement.

- (14) No refund or credit will be afforded an Owner or applicant in the event of a diminution of use occurs after the SDC has been calculated and imposed.
- (15) The initial SDC for the Key Largo Wastewater Treatment District Service Area will be determined per EDU; and will be \$tbd per calculated EDU.
- (16) The District may collect SDC's through the imposition of non-ad valorem assessments.

#### Section 9.03 Service Installation Fee.

- (1) The District will charge a Service Installation Fee for recovery of direct and allocated costs incurred by the District in connection with the physical connection of future Customers to the District's Wastewater Facilities.
- (2) The Service Installation Fee will vary with the size and type of connection performed (i.e., gravity main, vacuum main, or Building Service Lateral).
- (3) The Service Installation Fee will be charged for each size and type of connection on an "At Cost" basis. The Service Installation Fee will include an estimate by the District in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required, plus general and administrative costs.
- (4) No Service Installation Fee will be charged to Customers within a newly created Wastewater District when initially establishing Service.

#### Section 9.04 Monthly Customer Fees.

- (1) Base Facility Charge:
  - (i) Residential (Single Unit) Wastewater Service (other than Senior Citizens/Disabled American Veteran Wastewater Service): tbd
  - (ii) Senior Citizens/Disabled American Veteran Wastewater Service): tbd
  - (iii) All other classes of Service: tbd
- (2) Wastewater Flow Charge. The Wastewater Flow Charge is the monthly charge per thousand gallons of wastewater flow, based on metered water consumption, billed in 1000 gallon increments:
  - (i) Single Family Residential: \$tbd ptg billed up to a maximum 12,000 gallons of metered water consumption per month
  - (ii) All other classes of service: \$tbd ptg for all metered water consumption
  - (iii) All metered water use will be billed the Wastewater Flow Charge except that no Wastewater Flow Charge will be applied to water use from a separately metered irrigation account.
  - (iv) The Wastewater Flow Charge for Customers with Alternative Water Supply Customers with Wastewater Service whose source of potable water is an alternative water supply (other than Florida Keys Aqueduct Authority) will be charged a fixed Monthly Charge for wastewater service in the amount of: \$tbd

## Section 9.05 Pretreatment Fees.

- (1) Annual Industrial Wastewater Discharge Permit (IWDP) Fee:
  - (i) The IWDP Fee is an annual permitting fee to be assessed upon Industrial Users of the Wastewater System.
  - (ii) Such permit fee is for the recovery of estimated direct and allocated costs incurred by the District in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.
- (2) The amounts of the IWDP Fees are as follows
  - (i) Significant Industrial Users (SIU's) will be billed \$tbd on an annual basis for an Industrial Wastewater Discharge Permit Fee.
  - (ii) Other Industrial Users (IU's) requiring an Industrial Wastewater Discharge Fee will be billed \$tbd on an annual basis.
- (3) Oil/Grease Interceptor (OGI) Fee:
  - (i) The OGI Fee is an additional service charge to be assessed upon Customers whose premises use an oil/water separator or an Oil/Grease Interceptor (i.e., grease trap).
  - (ii) The surcharge is for the recovery of estimated, direct and allocated costs incurred by the District in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.
  - (iii) All properties having an OGI will be billed \$tbd on annual basis.
- (4) Monthly Industrial Waste Surcharge (IWS):
  - (i) The IWS is an additional Service Charge assessed against Industrial Users of the Wastewater System whose Wastewater characteristics exceed established discharge Limits.
  - (ii) (b) The Surcharge is for the recovery of estimated, direct and allocated costs incurred by the District in connection with its Wastewater Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.
  - (iii) The IWS will be assessed monthly and based on the formula below which takes into consideration the extent to which the discharge concentration of specific Conventional Pollutants exceeds established Pretreatment Discharge Standards.
  - (iv) The IWS will be billed and paid for IU's exceeding Discharge Standards for Conventional Pollutants as calculated below, subject to a minimum variance from established Pretreatment Discharge Standards of twenty percent (20%).
  - (v) The formula for calculating the IWS in dollars per month is:

$$IWS = 8.34 * V * [\$0.45 * (BOD - 250) + \$0.18 * Y * (SS - 250) + \$1.46 * Z * (OG - 150)]$$

8.34 = Conversion factor of 1 milligram per liter (mg/l) = 8.345 lbs/million gallons

V = Volume in million gallons per month based on metered water

BOD = Biochemical Oxygen Demand of industrial waste (5 days @ 20 Celsius, in mg/l)

SS = Suspended Solids of industrial waste in mg/l

OG = Oil and Grease in mg/l

X = Capital and operating costs per mg/l per million gallons for BOD greater than 250 mg/l

Y = Capital and operating costs per mg/l per million gallons of Suspended Solids greater than 250 mg/l

Z = Capital and operating costs per mg/l per million gallons of oil or grease greater than 150 mg/l

#### Section 9.06 Relocation of Vacuum Valve Chamber or Accessories.

Relocation or change in elevation of the Vacuum Valve Chamber or accessories when requested by the Customer or when required by the actions of the Customer will be "At Cost."

#### Section 9.07 Returned Check/Bank Draft/Dishonored Credit Card Charge.

Returned Check, Bank Draft or dishonored credit card charges will be assessed in accordance with fees and procedures set forth in Chapter 832, Florida Statutes.

#### Section 9.08 Tampering Charge.

The charges for Tampering are as follows:

- (1) Investigation Charge \$ 75.00
- (2) Tampering Charge \$150.00
- (3) Repeat Occurrence \$300.00
- (4) In the case of unauthorized Industrial Waste Discharge, an Industrial Waste Surcharge will also apply.
- (5) In cases of meter by-pass, or meter reversal, straight connection or other form of Tampering that results in a substantial reduction in the cost of service, the account of the Customer will be back billed based on the estimated amount of wastewater flow not paid for. This estimate will be based upon:
  - (i) One hundred and fifty percent (150%) of the average water consumption during the previous six (6) Active Account months prior to the time such meter Tampering is estimated to have occurred, or in the event the Customer does not have a history of six (6) Active Account months, one hundred and fifty percent (150%) of the average water consumption for a Customer served by the District with a similar Class of Service during the most recent one (1) year period for which such figures are available;
  - (ii) When the meter has not been disturbed, the Customer will be back billed for the amount of wastewater flow, as indicated by the water meter, for which payment has not been received by the District.
- (6) Any further legal action deemed appropriate will also be pursued, and all costs associated therewith are assessable to and charged to the Customer, including attorney fees.

#### Section 9.09 Service Charges.

- (1) The District will charge a Service Charge for each instance in which Wastewater Service is connected or terminated, except for cases in which the District is called to disconnect service as a result of a sudden leak or when an account is final billed at the Customer's request.
- (2) A Service Charge will also be charged for each instance in which the District is required to travel to the premises of the Customer to investigate or respond to what is ultimately determined to be a violation of the terms of the agreement for service.
- (3) Service provided between the hours of 8:00 A.M. and 4:00 P.M. during business days will be at the regular Service Charge of \$20.00. Service provided at Customer's request between the hours of 4:00 P.M. and 8:00 A.M., or on weekends and holidays, will be at the Emergency Service Charge of \$60.00.
- (4) Service orders received after 4:00 P.M. on business days will be deemed received on the following business day and processed at the regular service rate, unless emergency service is specifically requested by the Customer.
- (5) All new and re-established accounts are subject to a Service Charge, except that no Service Charge will be charged to Customers within a newly created Wastewater District when initially establishing service.
- (6) Delinquent Account Charge. The District will impose a Delinquent Account Charge which will be the greater of \$4.00 or ten percent (10%) of the delinquent amount. The Delinquent Account Charge will be assessed only once per occurrence for Customers having both water and Wastewater Service.

#### Section 9.10 Wastewater Main Extension Reimbursements.

- (1) When an Owner or the District extends a Gravity Wastewater Collection Main or a Vacuum Wastewater Collection Main that is immediately available to serve adjacent lots with no existing service, and such lots are not owned by said Owner, an equitable reimbursement will be collected by the District for these lots from the Owner(s) at the time when Wastewater Service is provided. The District will refund the amount collected in accordance with the Agreement between the District and the Owner responsible for the Wastewater Main Extension.
- (2) Reimbursements will be based upon the front footage of the lot(s), or by such other method determined by the District to be most equitable to all impacted properties, and the installed value of the Wastewater Main Extension.
- (3) The installed value of a Wastewater Main Extension will be the actual construction cost, as certified by the contractor.
- (4) The District will collect the reimbursement amounts for the original Customer of the District for a period of twenty (20) years from the date Wastewater Service is first provided through the Wastewater Main Extension. The amount of reimbursement collected during the term of the Agreement will be based on the method of reimbursement specified in the Agreement. This policy will apply to Wastewater Gravity Collection Mains eight (8) inches or larger in diameter and Vacuum Wastewater Collection Mains four (4) inches or larger in diameter, accepted for ownership by the District.

- (5) In no event will any person entitled or claiming entitlement to a Wastewater Main Extension reimbursement offset or be permitted to offset the reimbursement, or any part thereof, against any sum owing by such person to the District (such as unpaid Potable Water, Wastewater or Reclaimed Water Service charges and fees).

#### Section 9.11 Special Assessments.

- (1) If either the District or any Property Owner desire to acquire, construct, install or extend any aspect of District's Wastewater System to serve any unimproved property or existing development, the District may do so in accordance with the rules providing for special assessments (also sometimes referred to as non-ad valorem assessments) adopted by the District. The cost of such improvements will be shared among all benefited Owners.
- (2) All such Wastewater System improvement projects coordinated through the District will be processed from initiation of the project through final completion and recovery of funds expended in accordance with relevant laws, ordinances or resolutions and any amendments thereto. All Wastewater Facilities must be designed and constructed in accordance with the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems. All costs relating to the project, including but not limited to legal, surveying, drafting, engineering, construction, inspection fees, and administration and other related project costs will be included in the project.
- (3) Unless expressly provided otherwise, Owners are responsible for all improvements on their side of the Point of Service, including all permits and fees.

### **Article X. Billing and Payment for Service**

#### Section 10.01 FCAA billing.

The District may enter into a billing agreement with the Florida Keys Aqueduct Authority. In that case, the billing and payment procedures of the FCAA will apply. If not, the following policies apply.

#### Section 10.02 Billing Period; Due Date.

- (1) Customers will be billed on a monthly basis. Billing will commence upon initiation of Service or the mandatory connection date, whichever is earlier.
- (2) Payments for services are due upon rendition of the bill. Non-receipt of a bill by the Customer 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.

#### Section 10.03 Description of Monthly Billing Charges.

- (1) The Monthly billing charges for Wastewater Service consist of the Base Facility Charge and the Wastewater Flow Charge.
- (2) In the event the District is unable to determine the amount consumed due to lack of access to the water meter, the District will estimate such amount based upon the average of the prior twelve months consumption.
- (3) The District will apply the Senior Citizen Rates for persons eligible for Senior Citizens/Disabled American Veterans Service.

#### Section 10.04 Bank Drafts.

- (1) Bank Drafts are for the purpose of providing automatic direct payment to the District through a financial institution. The applicant will be subject to the following criteria:
  - (i) Has no record of having presented dishonored checks to the District within the past twelve (12) months;
  - (ii) The applicant's financial institution must participate in the Automated Clearing House (ACH) System;
  - (iii) Completion of a Bank Draft Authorization Agreement listing each account to be drafted.
- (2) Authorized account(s) will be drafted monthly for the net amount due shown on the bill(s).
- (3) The account(s) will be cancelled from the Bank Draft Service if a draft is returned as uncollectible. A return bank draft charge will be billed to the account and the account may be subject to disconnection of Wastewater Service.
- (4) Bank Draft Authorization Agreement will remain in effect until written notification of cancellation is provided by either the Customer, the participating financial institution or by the District.

#### Section 10.05 Returned checks

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

#### Section 10.06 Delinquent Accounts.

- (1) An account 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, it 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 will be considered delinquent.
- (2) Delinquent Accounts 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. In the event a partial payment is made between the 30th and 45th day from the date of meter reading, the total bill will be subject to the Delinquent Account Charge.
- (3) Service will be discontinued if the total delinquent amount that is past due is not received by the District within 30 days after the due date. The District will give forty-eight (48) hours notice by hand delivery, use of a door hanger, mail, or telephone of proposed disconnection to the Customer.
- (4) For service to be restored, the Customer must request restoration of service and pay all amounts due, including the applicable service charge.



- (5) In the event the account has been final billed as a result of account delinquency, service will not be restored until a new agreement for service has been made and the Customer has paid all applicable fees, outstanding balances due, and service charges.
- (6) Notwithstanding any other provision of these rules, when Wastewater Service is subject to discontinuance (disconnection) or has been discontinued due to account delinquency, the District may restore such Service prior to payment of all amounts due, provided the Customer has entered into a negotiated payment agreement.
- (7) Failure to pay amounts due the District within the time designated for payment will result in the District exercising all reasonable business efforts to collect such unpaid amount, including delinquent fees, interest, attorney fees and filing charges.

#### Section 10.07      Billing Disputes; Mistakes.

- (1) In the event of a billing dispute, the Customer must contact the District's Customer Service Office and request an investigation of the account. The District will record the account number, description of premises served, nature of the dispute or alleged mistake and date of contact.
- (2) The District will investigate the billing and respond by mail within sixty (60) calendar days. If the response is not satisfactory to the Customer, the Customer may within five (5) business days from the date of mailing request further review by the General Manager, who will respond to the Customer by mail within five (5) business days.
- (3) The District will not disconnect service for non-payment of the disputed amount during the period commencing with the request for investigation of the account and ending with a response from the District or the General Manager, provided that the Customer has requested an investigation prior to the Account becoming delinquent. In the event the dispute is resolved against the Customer, the Customer will have five (5) business days to pay the disputed amount, and will thereafter be subject to Disconnection of Service and other charges.

#### Section 10.08      Abatement of Wastewater Flow Charges.

- (1) The District will abate a portion of a bill for Wastewater Service where an undetected water line leak occurs and the Customer has received a water line leak abatement from the Florida Keys Aqueduct Authority. The abatement amount will be a percentage of the Wastewater Flow Charge equal to the percentage by which the Florida Keys Aqueduct Authority has abated the Customer's water flow charge for the same month. The District will consider no more than one (1) water line leak abatement, for one (1) billing period, within a single twelve (12) month period on each Premises served.
- (2) An additional wastewater abatement for residential accounts will be considered for one (1) billing period within a single twelve (12) month period when the usage of water was utilized to fill a pool the Customer has received a pool filling abatement from the Florida Keys Aqueduct Authority. The abatement amount will be a percentage of the Wastewater Flow Charge equal to the percentage by which the Florida Keys Aqueduct Authority has abated the Customer's water flow

charge for the same month. The abatement amount will not exceed the total pool gallon capacity.

#### Section 10.09 Credit Card Payments.

- (1) Credit Card payments will be for the purpose of providing payment to the District through a financial institution, via Visa and MasterCard.
  - (i) Credit cards presented for payment transaction must have a valid expiration date and must be authorized for payment by the credit card company.
  - (ii) For automatic credit card payment, the customer must complete an authorization agreement listing each account to be processed from their credit card.
- (2) Authorized credit card account(s) will be processed monthly for the net amount due shown on the bill(s).
- (3) The account(s) will be cancelled from automatic credit card payment if a credit card request is returned as uncollectible. A return credit card payment charge will be billed to the account and the account may be subject to disconnection of water or wastewater services.
- (4) Credit card payment authorization agreement will remain in effect until written notification of cancellation is provided by either the customer, the participating financial institution of the credit card, or by the District.

#### Article XI. Definitions and Construction of Terms

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to these rules; and the term "hereafter" means after, and the term "heretofore" means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

- (1) "Act" or "the Act" refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) "Active Account" means that an agreement for service exists between an Owner/ Customer and the District, under which the District stands ready to serve and Service is rendered or available on demand and payment for said Service is made or due from the recipient on a Monthly basis.
- (3) "Agreement for service" means the agreement that establishes the relationship between the Customer and the District under which Service to the Customer is rendered and payment to the District for said Service is made.
- (4) "Annual Wastewater Rate Index" means the formula by which the District annually adjusts the Base Facility Charge and the Flow Charge to reflect inflationary increases in the cost of providing services.
- (5) "Assessment" means a charge or special assessment (sometimes characterized as a non-ad valorem assessment) imposed by the District to fund the Capital Cost of Utility Improvements or the Operating Cost of Related Services, as provided for in **Error! Reference source not found..**

- (6) "At Cost" means the current applicable cost of all equipment, labor, fringe benefits, and materials used to perform a defined task, including overhead factors.
- (7) "Base Facility Charge" means the fixed monthly rate billed to customers based on the customer's classification, and does not include charges calculated based on Wastewater flow.
- (8) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It also means a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-day period as specified in Chapter 62-160, F.A.C.
- (9) "Board" means the Board of Commissioners of the District.
- (10) "Boat Slip/Dock/Berth" means a slip, dock or berth bordered by a seawall, or a fixed or floating pier used for mooring or docking boats, houseboats, barges, or other types of floating modules or vessels used for or capable of being used for residential or non-residential use at either marina facilities or on private waterways.
- (11) "Building" means any structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind, or any other improvement, use, or structure which creates or increases the potential demand on the Wastewater Utility System operated by the District. This term shall include trailers, mobile homes, Boat Slip/Dock/Berth, or any vehicle serving in any way the function of a Building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.
- (12) "Building Permit" means an official document or certificate issued by the authority having jurisdiction, authorizing the construction or sitting of any Building. The term "Building Permit" shall also include tie-down permits or other similar authorizations for those structures or Buildings, such as a mobile home or a Boat Slip/Dock/Berth that does not otherwise require a Building Permit in order to be occupied.
- (13) "Business Day" means the period of each day from 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding the District's Official Holidays.
- (14) "Bypass" means the intentional diversion of Wastewater streams from any portion of an Industrial User's treatment facility.
- (15) "CFR." means the Code of Federal Regulations.
- (16) "Categorical Industrial User" means an Industrial User subject to Categorical Pretreatment Standards.
- (17) "Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Utility Improvements related to a capital project.
- (18) "Categorical Pretreatment Standard" refers to the national Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged by existing or new Industrial Users in specific

industrial sub-categories, established as separate regulations as promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appears in 40 CFR, Chapter 1, Subchapter N, Parts 405-471, as amended. These standards, unless specifically noted otherwise, shall be in addition to all Pretreatment Standards and requirements.

- (19) "Code of Federal Regulations" refers to the codification of the general and permanent rules published in the Federal Register by the Executive Departments and Agencies of the Federal Government.
- (20) "Conventional Pollutant" means any of five Wastewater Pollutants as defined by the Act including BOD, suspended solids, fecal coliform, pH, and oil and grease.
- (21) "Cost of Funds" means an interest rate equal to either (a) the District's average rate of return on current short term investments or (b) the interest rate for a specific borrowing, whichever is applicable.
- (22) "County" means Monroe County, a political subdivision of the State of Florida.
- (23) "Cross-Connection" means any physical arrangement whereby a water supply is connected, directly or indirectly, with any other system capable of imparting contamination to the supply as the result of backflow.
- (24) "Customer" means any Person that accepts or receives Wastewater Service.
- (25) "DEP" means the State of Florida Department of Environmental Protection.
- (26) "DOH" means the State of Florida Department of Health.
- (27) "DOT" means the State of Florida Department of Transportation.
- (28) "Day" means one (1) twenty-four (24) hour period.
- (29) "Delinquent Account" or "Delinquency" means that for the Active Account, payments for satisfaction of some or all past and current fees and charges are past due by at least two bill payment cycles of said Active Account, but Service has not yet been discontinued.
- (30) "Delinquent Account Charge" means the charge billed customers when all or part of the payment on their account has become delinquent. The Delinquent Account Charge is based on the outstanding balance as shown in Section 10.05.
- (31) "Delinquent Account Reactivation Fee" means a charge to be based on the estimated cost of activities associated with such reactivation. See Section 10.06(4).
- (32) "Department of Environmental Protection" means the State of Florida Department of Environmental Protection.
- (33) "Department of Health" means the State of Florida Department of Health.
- (34) "Department of Transportation" means the State of Florida Department of Transportation.
- (35) "Developer" means a Person developing property for resale, rental or lease, to which Wastewater Service may be provided by the District.
- (36) "District" means the Key Largo Wastewater Treatment District.

- (37) "Discharge" means the introduction of Pollutants into a Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.
- (38) "Dwelling Unit" means a single unit designated or intended for one-family occupancy (a household of one or more persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, one residential condominium unit, or one mobile home.
- (39) "Easement" means any legal right for the specific use of land owned by others.
- (40) "Enforcement" means actions taken in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.
- (41) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.
- (42) "Equivalent Dwelling Unit" or "EDU" means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage.
- (43) "Existing Source" means any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which began before promulgation of Pretreatment Standards applicable to such source.
- (44) "F.A.C." means the Florida Administrative Code.
- (45) "Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed as the Fiscal Year for the District.
- (46) "Force Main" means a pipe owned by the District and used to transmit Wastewater from a pump station to a treatment facility.
- (47) "Front Footage Assessment" means the charge made by the District to recover proportionate capital costs associated with providing Services to Premises located along a wastewater line extension in accordance with Section 9.10(2). Such Assessment shall be applicable to the length of the Frontage of the property.
- (48) "Frontage" means the actual width of a property along which a proposed Wastewater line is to be installed, without regard to the position of any Building located on the Premises.
- (49) "General Manager" means the General Manager of the District.
- (50) "IDP" see Industrial Discharge Permit.
- (51) "IMR" see Industrial Monitoring Report.
- (52) "IU" see Industrial User.
- (53) "Inactive Account" means an account for which service by the District has been previously rendered, but for which no current agreement for service or Guaranteed Payment Deposit is held by the District.

- (54) "Industrial Discharge Permit" means a written authorization from the utility Owner to Discharge Industrial Wastewater into a Wastewater Collection System and setting certain conditions and restrictions on such Discharge.
- (55) "Industrial Monitoring Report" or "IMR" means a report submitted by an SIU indicating the nature and concentration of Pollutants for which the industry is regulated. These reported Pollutants may include local Discharge Standards and Categorical Pretreatment Standards.
- (56) "Industrial User" means any Non-residential User discharging Industrial Wastewater into a Wastewater Collection System.
- (57) "Industrial Wastewater" means Wastewater from industrial operations, trade or business activities, as distinct from Wastewater from a residential source.
- (58) "Industrial Wastewater Discharge Permit" means a written authorization from a utility Owner to Discharge Industrial Wastewater into the Wastewater Collection System and setting certain conditions or restrictions on such Discharge.
- (59) "KLWTD" means the Key Largo Wastewater Treatment District.
- (60) "Minimum Design and Construction Standards and Specifications" means the engineering design and construction specification demands of the District related to Wastewater facilities constructed by any Developer, Owner, Customer or User, which are adopted by reference in these rules.
- (61) "Mobile" means a campsite, lot or defined space of ground designed for or capable of being used by a recreational vehicle (RV) or other type of mobile or portable rigid or collapsible structure used for residential or non-residential use at campsites, RV parks, on public or private property, including tent camp sites. (Permanently located mobile homes are considered single family dwellings).
- (62) "New Source" means a Wastewater source defined as follows:
- (i) Any building, structure, facility, or installation from which there is or may be a Discharge, for which construction is commenced after adoption of Pretreatment Standards applicable to such source.
  - (ii) Any Building, structure, facility or installation from which there is or may be a Discharge, for which construction is commenced after the publication of Pretreatment Standards under Section 307(c) of the Act which are applicable to such source if such standards are thereafter promulgated in accordance with that section.
  - (iii) New Sources have one or more of the following additional characteristics:
    - 1) *The building, structure, facility, or installation is constructed at a site at which no other source of Discharge is located; or*
    - 2) *The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or*
    - 3) *The production or Wastewater generating processes of the building structure, facility, or installation are substantially independent of an Existing Source of Discharge at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the Existing Source shall be considered; or*
    - 4) *Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new*

*building, structure, facility or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.*

5) *Construction of a new source, as defined herein, has commenced if the Owner or Operator has:*

- a) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or,
- b) Caused significant site preparation work, including clearing, excavation, or removal of existing Buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,
- c) Entered into a binding contractual obligation for the purchase of facilities or equipment intended for use in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under these rules.

(63) "Non-categorical Industrial User" means an Industrial User not subject to Categorical Pretreatment Standards.

(64) "OGI" see Oil/Grease Interceptor.

(65) "OGIU" see Oil/Grease Interceptor User.

(66) "OSTDS" see Onsite Sewage Treatment and Disposal System.

(67) "Obligations" means bonds or other evidence of indebtedness, including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance capital projects or any portion of the Capital Cost of Utility Improvements which may be secured, in whole or in part, by proceeds of Assessments.

(68) "Official Holidays" means the following holidays: New Year's Day, Birthday of Martin Luther King, Jr. (third Monday in January), Memorial Day, Independence Day, Labor Day, Veterans' Day (November 11), Thanksgiving Day, Friday after Thanksgiving, Christmas Day. If any holiday falls on a Saturday, the holiday shall be observed on the preceding Friday; if any holiday falls on a Sunday, the holiday shall be observed on the next Monday.

(69) "Oil/Grease Interceptor" means any device, including but not limited to grease traps and oil/water separators, designed and installed to separate and retain floating, deleterious, hazardous, and undesirable matter from Wastewater or liquid wastes, and that discharges to the Wastewater System.

(70) "Oil/Grease Interceptor User" means establishments that use an Oil Grease Interceptor.

(71) "On-Site Treatment and Disposal System" or "OSTDS" means a Wastewater Treatment System utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit, on-site wastewater nutrient reduction system, package sewage treatment facilities.

(72) "On-Site Mains" means those wastewater lines located in streets, rights of way, or easements within a development, and those mains located in streets that are peripheral to a development, which are constructed for use by that development, but are owned and operated by the District.

- (73) "Operating Cost" means all or any portion of the expenses that are properly attributable to providing Services under generally accepted accounting principles.
- (74) "Owner" means a Person who is the record owner of any Premises.
- (75) "Person" means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, private or governmental, as the context may require.
- (76) "pH" is the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- (77) "Point of Service" means: the point where the District's Wastewater Facilities connect to Customer-installed, owned, operated and maintained facilities. The Point of Service shall generally be at the point where the Building gravity Wastewater Service Lateral intersects the right-of-way line or, in the event a utility easement exists adjacent to the right-of-way line, at the point where the Building Wastewater Service Lateral intersects the utility easement line furthest from the main.
- (78) "Pollutant" means any dredged spoil, solid waste, incinerator residue, Wastewater, garbage, Wastewater Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.
- (79) "Premises" means any and all real property and tangible personal property affixed to real property served or capable of being served by the District as a result of the existence of a Service Connection.
- (80) "Pretreatment" means reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a Wastewater Collection or Treatment System.
- (81) "Pretreatment Facility" means any equipment, system or process intended to reduce or eliminate the amount of Pollutants or alter the nature of prohibited Pollutants prior to a Discharge into the Wastewater Collection System.
- (82) "Pretreatment Program" means the provisions and activities related to the regulation of direct and indirect Discharges into the District's Wastewater Collection System, including the provisions and activities of the District provided for in Article VIII.
- (83) "Pretreatment Standards" means the prohibitive discharge standards as set forth in any applicable county or municipal wastewater facilities use ordinance (or similar local government ordinance), State of Florida Pretreatment Standards, Categorical Pretreatment Standards of the EPA, or the District Pretreatment Program.
- (84) "Property Appraiser" means the Property Appraiser of Monroe County.
- (85) "Related Service" means the operation and maintenance of a Utility Improvement.
- (86) "Residential Service" means Service intended strictly for Dwelling Unit use.



- (87) "Returned Check", "Bank Draft" or Dishonored Credit Card Payment" charge is a charge based on the estimated administrative cost of collecting the amount due from the tendered check, bank draft or credit card payment that was not honored by the payer's bank as provided by Chapter 832.07, Florida Statutes.
- (88) "SDC" see System Development Charge.
- (89) "SIU" see Significant Industrial User.
- (90) "Sample Collection Station" means a manhole or other suitable structure through which the total Wastewater from a facility flows, and that can accommodate equipment for Wastewater sampling and flow measurement.
- (91) "Sanitary Conveniences" means facilities such as toilets, urinals, sinks, showers, bathtubs, and bidets which Discharge Wastewater to the Wastewater System.
- (92) "Sanitary Wastewater" means Wastewater Discharged from the Sanitary Conveniences of dwellings, office buildings, industrial plants, or institutions.
- (93) "Senior Citizen Service" means the class of service designated for qualifying Senior Citizens and Disabled American Veterans. See Section 5.02.
- (94) "Service" means the readiness to accept, or the acceptance of Wastewater from a Customer at a Point of Service by the District.
- (95) "Service Charge" means the charge assessed customers, per event, when the District travels to the premises or for administrative processing by the District.
- (96) "Service Connection" means the physical attachment of the District's facilities to those facilities of any property through which Wastewater Service is deliverable.
- (97) "Service Initiation" means the date the customer begins to receive services through a Wastewater connection or the date that service is available in a newly constructed wastewater system.
- (98) "Service Installation Fee" shall be based on the estimated cost of activities associated with construction of a Wastewater Service Lateral.
- (99) "Service Lateral" means the pipe which connects the District's collection facilities to the Service Connection at the Point of Service. Said pipe is typically situated on private property and is owned, operated and maintained by the Owner.
- (100) "Service Line" means that portion of the Sewer System that extends beyond the end of the building drain and conveys Wastewater to a public, private or individual Wastewater Collection System, or other point of disposal. In cases where the building is served by a Vacuum Sewer, the Building Sewer shall include the gravity line to the vacuum valve collection sump constructed within the public right-of-way or an Easement.
- (101) "Service Unit" means Premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other Wastewater generating fixtures, and used for a single residential or non-residential use. Service Units fall into the general categories of Permanent, Boat Slip/Dock/Berth, and Mobile.
- (102) "Sewer" means any pipe, conduit, or other device used to collect and transport Wastewater and from which storm water, surface water, and groundwater is generally excluded. As the context requires, the term is

synonymous with the term Wastewater or other terms incorporating such term therein.

- (103) "Sewer System Impact Development" means development upon lands within the area served by Wastewater Facilities owned and operated by the District, which shall be subjected to a System Development Charge upon the first occurrence of any of the following:
- (i) Whenever any existing building or structure, which has not previously paid a SDC, connects to the District's Wastewater Facilities; or
  - (ii) Whenever any Person applies for a Building Permit to construct a building, structure or applicable improvement within the service area of the District, even though the subject lands may receive interim sewer service from a source other than the District; or
  - (iii) Whenever a Person applies for a Building Permit to alter an existing building, structure or applicable improvement already connected to the Wastewater System, where such alteration increases the potential demand on the District's Wastewater System.
- (104) "Significant Industrial User" means any Non-categorical Industrial User that discharges 10,000 gallons per day or more of process Wastewater into a Wastewater System (excluding domestic Wastewater, non-contact cooling and boiler blow-down Wastewater), or that contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the treatment plant operation or for violating any pretreatment standard or requirement (in accordance with Rule 62-625.500(2)(e), F.A.C.).
- (105) "Sludge" means any solid or semisolid waste generated from a Wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater treatment plant.
- (106) "South Florida Water Management District" is an agency created by Chapter 373.069, Florida Statutes.
- (107) "Special Water Service" means the short-term water service which is metered separately and established for specific purposes such as filling of pools, community events, etc.
- (108) "State" means the State of Florida.
- (109) "Suspended Solids" means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.
- (110) "System Development Charge" is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the District's Wastewater Facilities. The SDC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.
- (111) "Tampering" means any willful alteration or interference with a water meter or Wastewater system components and facilities owned by the District, except for turning the valve associated with the water meter for the purpose of temporary disconnection of service. Tampering includes obtaining unauthorized Service to a Premises or location not subject to an agreement for service between the District and the present occupants or Owners of said Premises.

- (112) "Tax Collector" means the Tax Collector of Monroe County.
- (113) "Upset" means an exceptional incident in which a User unintentionally and temporarily is in a state of noncompliance with the standards adopted under these rules or established as part of its Wastewater Discharge Permit, due to factors beyond the reasonable control of the User, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.
- (114) "User" means any Person responsible for the Discharge of Wastewater into a Wastewater System.
- (115) "Utility Improvement" means a capital improvement constructed or installed by the District for the special benefit of a neighborhood, district or other benefited area.
- (116) "Wastewater" means liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments or manufacturing facilities, whether treated or untreated, which are Discharged into a Wastewater System.
- (117) "Wastewater Collection System" means a system for carrying wastewater including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.
- (118) "Wastewater Discharge Permit" means a written authorization from the Wastewater System Owner stating the conditions, parameters, or circumstances whereby a User may discharge into the Wastewater Collection System.
- (119) "Wastewater Facilities" or "Wastewater System" means the system comprised of all structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent.
- (120) "Wastewater Flow Charge" means the charge billed customers per hundred gallons of wastewater flow, which is based on metered water consumption, each month as described in **Error! Reference source not found.**

## **Article XII. Standard Forms**

The following documents, forms, and applications are hereby incorporated by reference. The documents are available in the main office of the District and may be obtained at the address above.

- (1) Agreement for Wastewater Service, form GP-001.
- (2) Application for Industrial Wastewater Discharge Permit (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Application for Industrial Wastewater Discharge Permit"), form WW-012.
- (3) Attachment to Bill of Sale (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Attachment to Bill of Sale"), form WW-003.
- (4) Bill of Sale (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Bill of Sale"), form WW-002.

- (5) Blanket Utility Easement (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Blanket Utility Easement"), form WW-010.
- (6) Capital Improvement Plan.
- (7) Chain of Custody Record (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Chain of Custody Record"), form WW-017.
- (8) Consent and Joinder of Mortgagee for Utility Easement (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Consent and Joinder for Mortgagee for Utility Easement"), form WW-006.
- (9) Distribution System Master Plan.
- (10) Enforcement Response Plan.
- (11) Example Bill of Sale.
- (12) Key Largo Wastewater Treatment District Chart of Organization.
- (13) Indemnity Agreement (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Indemnity Agreement"), form WW-007.
- (14) Industrial Monitoring Report (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Monitoring Report"), form WW-015.
- (15) Industrial Wastewater Discharge Permit (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit"), form WW-014.
- (16) Industrial Wastewater Discharge Permit Transmittal Letter (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit Transmittal Letter"), form WW-013.
- (17) Industrial Wastewater Facility Inspection Report (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Industrial Wastewater Facility Inspection Report"), form WW-018.
- (18) Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches").
- (19) Instructions for Indemnity Agreement (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Instructions for Indemnity Agreement").
- (20) Legal Package Required Documents (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater").
- (21) Manual of Cross-Connection Control.

- (22) Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the District's Referenced Documents Notebook as "Minimum Construction Standards and Specifications").
- (23) Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the District's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water").
- (24) Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the District's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater").
- (25) Monroe County Sanitary Wastewater Master Plan.
- (26) Notice of Violation (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Notice of Violation"), form WW-019.
- (27) Owner's Acknowledgement of Service Restriction, form GP-013.
- (28) Property Owner's No Lien Affidavit, (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Property Owner's No Lien Affidavit") form WW-004.
- (29) Sample Identification (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Sample Indemnification Form"), form WW-016.
- (30) Satisfaction of Lien System Development Charges and Service Installation Fees, form GP-010.
- (31) Senior Citizen Certificate Affidavit Application (also referred to in the District's Referenced Documents Notebook as "Senior Citizens Service Application/Certificate"), form W-001.
- (32) Standard Methods for the Examination of Water and Wastewater.
- (33) Wastewater Discharge Survey (also referred to in the District's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater Discharge Survey"), form WW-011.
- (34) Wastewater EDU Data Determination Worksheet, form WW-001.
- (35) Wastewater Pump Station Site Easement (also referred to in the District's Referenced Documents Notebook as "Legal Package – Wastewater, Wastewater Pump Station Site Easement"), form WW-09.
- (36) Wastewater Service Pre-Payment Agreement, form GP-006.
- (37) For ease of reference, these documents, forms and applications may also be listed and incorporated in the rules to which they pertain.

## Carol Simpkins

---

**From:** Anthony Hairston [ahairston@prmginc.com]  
**Sent:** Wednesday, March 02, 2005 9:48 AM  
**To:** Cffishburn@aol.com  
**Subject:** Conf. Call

Chuck:

Per our discussion this morning, we should aim for a conference call next Monday (3/7). Here is a partial list of topics:

1. System development charges (SDCs)
  - a. Target level(s) for overall fee
  - b. Breakdown of fee by function
  - c. Grant allocation by function
  
2. Vacant lots
  - a. Ability to develop
  - b. Possibility of SDC assessment
  - c. Possibility of Accrued Guaranteed Revenue Fee (for carrying cost of capacity)
  
3. Utility Financing
  - a. Status of County bond funds (and terms)
  - b. Revenue bond issuance
  - c. FDEP SRF Funding
  - d. Possibility of MSTU extension past 2007

This should help us guide our discussion. Right now my calendar is open for all of Monday. Just let me know when you have something scheduled.

Tony

Anthony (Tony) Hairston

Public Resources Management Group, Inc.

3/2/2005

KEY LARGO WASTEWATER TREATMENT DISTRICT  
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037  
(305) 451-5105

February 28, 2005

Ms. Sandra L. Mathena  
Director of Internal Audit  
Monroe County Department Of Internal Audit  
P.O. Box 1980  
Key West, FL 33040

Ref: Key Largo Wastewater Projects

Dear Ms. Mathena,

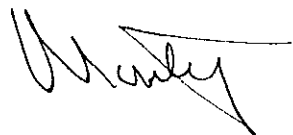
Please find enclosed the information you requested last week regarding our two current wastewater projects, Key Largo Trailer Village and Key Largo Park.

Wastewater service will be provided to the entire island of Key Largo through a series of projects. Elements of one project will set the stage and be utilized in implementing other projects as we develop an island-wide system. For example, the treatment plant and transmission line being installed as part of the Key Largo Trailer Village project will also be used to transport waste to the plant for the Key Largo Park and Calusa Campground projects.

I have taken the liberty of enclosing an EDU Cost Calculation Schedule which outlines our method of calculating Cost/EDU based upon plant utilization, transmission line utilization, and collection system utilization. This spreads costs based upon utilization of all infrastructure elements required to provide service to a particular EDU. We feel this approach is necessary in developing cost/EDU data since it avoids penalizing one project because it has a major treatment plant cost element, or favoring another project because it only consists of installing a collection system which must rely on an existing treatment plant.

Please feel free to call me with any questions at 451-5105, or to contact me by e-mail at [martinwaits@bellsouth.net](mailto:martinwaits@bellsouth.net)

Sincerely yours,



Martin D. Waits  
Finance Officer

**Key Largo Wastewater Treatment District**

**WASTEWATER PROJECTS**

	<b>Key Largo Trailer Village (KLTV)</b>	<b>Key largo Park (KLP)</b>
Budget (FY2005 5-year Plan)	\$9,279,000	\$3,599,000
Expended Through 2/15/05	\$2,526,546	\$485,510
Current Estimated Total Cost	\$9,215,009	\$3,011,777
Units To Be Served (Note 1)	506 EDU's	183 EDU's
Projected EDU Cost (Note 2)	\$13,111 / EDU	\$15,935 / EDU
Estimated Completion Date	Mar, 2006	Mar, 2006
Project Funding Sources (Note 3)		
Federal	5,485,714	267,000
State	2,131,636	1,954,892
Local	1,848,993	506,000
Total Project Funding	\$9,466,343	\$2,727,892

Note 1 Current only. See attached Cost Calculation schedule for build out data.

Note 2 See attached EDU Cost Calculation schedule based upon plant utilization, transmission line utilization, and collection system utilization.

Note 3 See attached Total Project Sources and Uses of Funds schedules for detail.



**Key Largo Wastewater Treatment District**

**EDU COST CALCULATION SCHEDULE**

Prepared 02/28/05

	<b>Initial Projects (0.122 MGD Plant)</b>			<b>Future Projects (2.25 MGD Plant)</b>		<b>Total Island of Key Largo</b>
	<b>Key Largo Trailer Village</b>	<b>Key Largo Park</b>	<b>Calusa Campground</b>	<b>Lake Surprise Sexton Cove</b>	<b>Unidentified Projects</b>	
<b>Project EDU's</b>						
Current	506 (1)	183 (2)	367 (3)	2,494	9,450	13,000
Build Out	61	100		100	700	961
<b>Treatment Plant</b>						
Cost (4)	\$4,300,000	\$4,300,000	\$4,300,000	\$19,300,000	\$19,300,000	\$19,300,000
EDU's Served (5)	850	850	850	13,000	13,000	13,000
\$ / EDU	\$5,059	\$5,059	\$5,059	\$1,485	\$1,485	\$1,485
<b>Transmission Line</b>						
Cost	\$1,100,000	\$1,100,000	\$1,100,000	\$6,000,000	\$8,000,000	\$15,100,000
EDU's Served (6)	850	850	850	6,000	6,150	13,000
\$ / EDU	\$1,294	\$1,294	\$1,294	\$1,000	\$1,301	\$1,162
<b>Collection System</b>						
Cost	\$4,115,009	\$2,711,777	\$1,250,000	\$15,000,000	\$78,523,214	\$101,600,000
EDU's Served (7)	567	283	367	2,594	10,150	13,961
\$ / EDU	\$7,258	\$9,582	\$3,406	\$5,783	\$7,582	\$7,277
<b>TOTAL COST / EDU</b>	<b>\$13,611</b>	<b>\$15,935</b>	<b>\$9,759</b>	<b>\$8,268</b>	<b>\$10,368</b>	<b>\$9,924</b>
<b>Memo: Project Cost</b>	<b>\$9,215,009</b>	<b>\$3,011,777</b>	<b>\$1,250,000</b>	<b>\$36,000,000</b>	<b>\$76,523,214</b>	<b>\$136,000,000</b>

**Notes:**

(1) 445 Residential and 61 Commercial EDU's

(2) 183 Residential Only

(3) 367 Residential, but flow estimated to be less than 220 Residential, so plant capacity of 850 EDU's is adequate.

(4) Initial 0.122 MGD plant costing \$4.3 million will be replaced with 2.25 MGD plant costing \$15 million. Total treatment plant investment, including decommissioned plant, when all of Key Largo is served will be \$19.3 million. Initial plant part of Key Largo Trailer Village. Replacement plant part of Lake Surprise/Sexton Cove project.

(5) Plant will serve 1,056 billable EDU's. Calusa Campground flow equates to less than 220 EDU's, so plant capacity of 850 EDU's is adequate.

(6) First transmission line installed as part of Key Largo Trailer village project and serves all Phase I projects. Force main serving entire north half of Key Largo (6,000 EDU's) installed as part of Lake Surprise/Sexton Cove. Main transmission line serving south half of Key Largo (6,150 EDU's) to be installed later.

(7) Based upon total EDU's to be eventually served (current plus build out) since connection lines are being installed to all lots, vacant and improved.

# Key Largo Trailer Village

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		<u>General Comments</u>
<b>Federal:</b>		
FEMA I (FKAA)	\$ 1,097,143	\$642,590 spent \ \$361,070 held by FKAA
FEMA II	4,388,571	\$2,018,683 advanced
Subtotal Federal Funds	<u>5,485,714</u>	
	57%	
<b>State:</b>		
SFWMD	100,000	Advanced and spent
DCA Cesspit Grant	1,118,020	Interlocal amount \$1,225,600 / KLP \$107,580
DCA (12.5% FEMA I Match-FKAA)	182,187	\$107,098 spent / \$75,759 held by FKAA
DCA (12.5% FEMA II Match)	731,429	\$293,475 advanced
Subtotal State Funds	<u>2,131,636</u>	
	23%	
<b>Local:</b>		
304 Fund (12.5% FEMA I Match-FKAA)	182,857	\$107,098 spent / \$75,759 held by FKAA
304 Fund (12.5% FEMA II Match)	731,428	Monroe County Loan
304 Fund (Cesspits)	640,000	Interlocal amount \$790,000 / KLP \$150,000
Plant Site Mitigation Funding	294,708	
Subtotal Local Funds	<u>1,848,993</u>	
	20%	
<b>Total Funds</b>	<b><u>\$ 9,466,343</u></b>	Excludes land purchase \$826,234 (in kind)

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FKAA Spending	\$ 374,678	\$ -	\$ 374,678
Weiler Engineering	107,089	62,276	169,365
Haskell Contract (excl. Escalation Claim)*	1,947,934	6,029,066	7,977,000 *
Haskell Change #7 (AirVac Estimate)	-	191,000	191,000
Sales Tax Credits**	-	(72,000)	(72,000) **
Plant Site Mitigation	-	294,708	294,708
Misc. Construction Expense (contingency)	7,713	92,287	100,000
GSG (incl. Feb-May, 03 Engineering)	50,258	-	50,258
KLWTD Staff Expense (Insp / Mgmt / Legal)	38,874	91,126	130,000
<b>Total Expenses</b>	<b><u>\$ 2,526,546</u></b>	<b><u>\$ 6,688,463</u></b>	<b><u>\$ 9,215,009</u></b>

\*Escalation claim +\$251,152 (\$296,093 - \$44,941 Rovac). \*\*Estimate \$1.2 million Fluidyne, AirVac, generator

**TOTAL PROJECT RECEIPTS TO DATE** **\$ 3,554,137**

# Key Largo Park

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		General Comments
<b>Federal:</b>		
Army Corps.	\$ 267,000 10%	Available by September, 2005
<b>State:</b>		
FDEP Grant	1,660,000	\$ 101,466 Advanced
FDEP Grant Amendment 2	187,312	Unused Cesspit Replacement Allocation
DCA Cesspit Grant	107,580	Interlocal amount \$1,225,600 / KLTW \$1,118,020
Subtotal	1,954,892 71%	
<b>Local:</b>		
148 Fund	356,000	FCAA used \$323,393 for Boyle
148 Fund (Cesspits)	100,000	Admin portion Interlocal \$790,000 (See below)
304 Fund (Cesspits)	50,000	Balance Interlocal \$790,000 / KLTW \$640,000
Subtotal	506,000 19%	
<b>Total Funds</b>	<b>\$ 2,727,892</b>	

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FCAA Spending	\$ 326,000	0	\$ 326,000
Weiler Engineering	58,310	41,950	100,260
ADB Contract	0	2,283,385	2,283,385
Haskell Change Order (Eng'g))	66,391	7,376	73,767
Misc. Construction Expense (Contingency)	7,500	142,500	150,000
Government Services Group	18,365	0	18,365
KLWTD Staff Expense (Mgmt / Legal)	8,944	51,056	60,000
<b>Total Expenses</b>	<b>\$ 485,510</b>	<b>\$ 2,526,267</b>	<b>\$ 3,011,777</b>

\*Certain valves (\$ 59,000) and pits (\$ 54,000) included in the KLTW project may be utilized in the KLP project, in which case funding in the total amount of \$ 113,000 would be transferred from the KLTW project to the KLP project.

**TOTAL PROJECT RECEIPTS TO DATE**      **\$ 443,916.00**

audit

Phone:  
FAX:  
email:

# *Facsimile*

To: Mr. Martin Warts, Finance Officer  
Fax: 305-852-2477  
From: Sandra L. Mathena, CPA, CIA, CFE  
Director of Internal Audit  
Date: Thursday, February 24, 2005  
Re: Key Largo Wastewater Projects  
Pages: 1, including this

As per our telephone conversation, please provide the following information for the two projects:

1. Budget for each project
2. Expended to date
3. Estimated total cost of each project (All costs of the project including architectural and engineering costs)
4. Number of units to be served (Definition of how number of units to be served is calculated)
5. Projected EDU Costs (Definition of how projected EDU cost is determined )
6. Estimated completion date

We appreciate your help and any additional information will be appreciated. My fax number is 305-295-3681.

**Key Largo Wastewater Treatment District**  
**PO Box 491**  
**Key Largo FL 33037**  
**305-852-2477**

Patricia Carney  
2001 NW 107 Ave  
Miami FL 33172  
C/O PBSJ  
305-514-3218

Reference: KLWTD Amendments to the FKWQIP PMP

July 25, 2004

Trish

During the last PMP meeting we discussed the need for the KLWTD to amend the PMP to update and more accurately display and define the KLWTD's position and need for Federal funding assistance in providing sanitary sewers for Key Largo. While Key Largo represents the largest single segment in Monroe County with perhaps the greatest possible nutrient improvement to near shore waters and since we are the new kids on the block we need to provide the PDT with a current up-to-date report on where the KLWTD is today and where we are going in the future. These amendments are designed to provide the PDT with the necessary tools and information to bring about an equitable distribution of funds.

Please include these amendments for the next distribution of the PMP.

**Checklist for PMP Changes**

**Double Click to Access Changes**

- a.a. OK Add Table Contents Line
- b.b. OK Add KLWTD to Acronyms
- c.c. OK Insert Create KLWTD to milestones
- 1. OK RFP Document
- 2. OK Correct Summary Mstr List
- 3. OK Correct Selection Process
- 4. OK Priority List update

- 5. OK Project Descriptions Update
- 6. OK Contact list Update7.
- 7. OK Add KLWTD to Table Contents
- 8. OK Add create KLWTD to milestones
- 9. OK Description of KLWTD work in progress is future plans

Attached herein are a series of files, which are electronic duplicates of the PMP March 2004 with appendices. This electronic duplication is done in Microsoft Word using ~~RED~~ text with a strike through to indicate which text is to be deleted. The text in **Blue** is to indicate the amendment/changes to the PMP document. And of course the text remaining in black is to remain the same. The pagination may be somewhat different than the original do too the additions and deletions. One file/document, which is a critical change (Program Priority List) is in MS Excel Format it can be accessed by clicking on Item 4.

The Changes Can Be Accessed by Double-clicking on the Blue Items Listed above or You May Scroll through the Document Looking for the Blue and Red Text.

I Have Also Provided PDF File Formats in Case There Is Any Compatibility Problems in This Case You will Need To Scroll through the Documents.

Sincerely  
Charles Brooks  
Commissioner KLWTD  
Liaison IGTF PDT

ED-Missing - 1 week

WORKSHOP in north  
Glenn on March 21 - April 2

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF  
COMMISSIONERS MEETING**

**AGENDA**

**Wednesday, March 2, 2005 at 5:00 PM**  
**Key Largo Civic Club, 209 Ocean Bay Drive**  
**Key Largo, FL**

**Charles Brooks**  
**Gary Bauman**  
**Andrew Tobin**  
**Glenn Patton**  
**Claude Bullock**

**Chairman**  
**Vice Chairman**  
**Secretary-Treasure**  
**Commissioner**  
**Commissioner**

.....  
**Charles F. Fishburn**  
**Thomas Dillon**  
**Carol Simpkins**

**General Manager**  
**District Counsel**  
**Board Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS**

**E. CONSENT AGENDA**

*TAK OFF 9+10*  
*ADD - Location of Pts Rules & Regulations & Kelly*

**F. APPROVAL OF MINUTES**

1. Feb. 16, 2005

*Passed*

(Action)

**TAB 1**

**G. PUBLIC COMMENT**

## H. COMMISSIONER ITEMS

2. Discussion of options in finding new rational ways to divide Federal Grant monies among Keys Governments. Commissioner Bauman TAB 2

*make Action item*

*Rules & Regulations Give Comment Prior to Meeting*

## I. FINANCIAL OFFICER'S REPORT

3. Pending Payments List *Passed* (Action) TAB 3
4. Project Funding Status Report on KLTV & KLP *Reported* TAB 4
5. TIB 150,000 Loan *Approved* (Action) TAB 5
6. New TIB NOW Account *Approved* (Action) TAB 6
7. County Bond Team TAB 7

## J. LEGAL COUNSEL REPORT

## K. ENGINEERS REPORT

8. Monthly Status Report TAB 8

## L. GENERAL MANAGER'S REPORT

9. Sexton Cove / Lake Surprise Engineer Selection (Action) TAB 9
- Pull* 10. Haskell Change Proposal No. 9 (Action) TAB 10

## ITEMS OF ONGOING CONCERN

1. Procedures
2. Agency Coordination

## M. ADJOURNMENT

March 2, 2005

Call to order 5:05 pm

Pledge: Claude

Roll Call

Member	Yes	No	Other	Present
Commissioner Andrew Tobin	✓			
Commissioner Gary Bauman	✓			
Commissioner Glenn Patton	✓			
Commissioner Claude Bullock	✓			
Chairman Charles Brooks	✓			



Approval of Agenda

Andy - Com Item - Reso to Haskell - Failure to do  
what they said they would  
~~2B~~

~~2C~~ Glenn - Rules & Regulations  
~~HA~~

~~2A~~ - Charlie - Pit issue

GM Pull # 9 & 10

Motion Andy

Second Glenn

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Approval of Minutes Feb 16, 2005

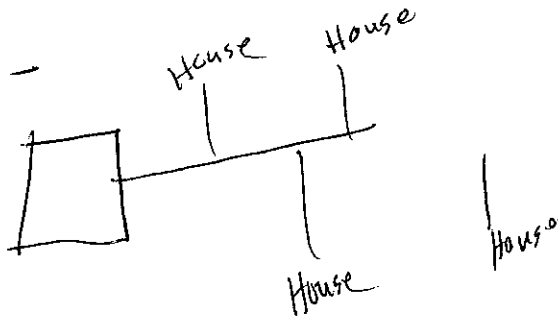
Motion *Claude*

Second *Glenn*

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Public Comment - Charlie 1st Vacuum Pit in Ground

LOCATION OF VACUUM PIT  
ED CASTLE -



if more than 2 Houses have to have 8" pipe  
Further Cleaning NOT more than 2y on line  
Engineering issue (Rule)

John - unlucky guy - duty to try to make happy

ED 1/3 may Accomodate where to put Laterals

Steve - Higgins Superintendents 1 - Luck 1 - unlucky

Walter Review Plans & had of meeting w/PLANS

Claude - Vents Required on Property Line

Robbie - Can put an elbow instead of Y

AMY -  
GARY - Communicate w/Property owners As Possible

Work out in field - Charlie  
GARY Letter out - Showing Spider Problem

Commissioner Items

WHAT ever Comes Down  
GARY Item- 2 - MORE RATIONAL Approach To Distributing

Federal Funds NOT using MASTER PLAN, + GET ISLAH MARSHON  
ON BOARD w/using MASTER PLAN

Andy should Be A PROTAGONIST have MASTER PLAN or NOT  
Take Reso to Manager

Charlie- 3rd Party was INTER GOVERN TASK FORCE + PROJECT MANAGEMENT TEAM  
1 CRITERIA - NOT going to Put OUT money unless Project is ready to Proceed.  
EVERYONE WANTS THEIR SHARE.

6:30 Claude- Does ST. Money have to go Thru Mo. Co.

Re Reso- ST Fed Co. Monies MASTER PLAN -

Motion Claude - Reso to BOCC TO Follow MASTER PLAN on Federal Funding  
OBJECTING TO Readiness OF Design BUILD.  
NOT ASK.

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Charlie  
NOT on current  
money - GARY

Commissioner Items

~~Ways to divide Federal Grant Monies among Keys Governments~~

Glenn - Come BACK w/ Top 10 Priorities  
2nd Wednesday -

Andy - Reso TO Haskell OF DISSATISFACTION  
2nd FL on operations Bldg. IF direction of FL is unhappy  
Come back w/ some type of solution instead of saying  
I'll handle it  
Claude FALLING short on Public Safety Issue - Traffic Control not being managed  
IF STAFF doesn't get Reso. bring to Bd For Reso

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

FINANCIAL OFFICER'S REPORT  
Pending Payment List

Motion: *GARY*

Second *Claude*

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

Project Funding Status Report

Fund Design  
of Sector Cove  
ED 1.8 million

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

FINANCIAL OFFICER'S REPORT  
TIB \$150,000 Loan

Motion: *Andy*

Second *Claude*

Member	Yes		No	Other	Present
Commissioner Andrew Tobin					
Commissioner Gary Bauman					
Commissioner Glenn Patton					
Commissioner Claude Bullock					
Chairman Charles Brooks					



FINANCIAL OFFICER'S REPORT  
New NOW Account

Motion: *Glenn*

Second *Andy*

Member	Yes		No	Other	Present
Commissioner Andrew Tobin					
Commissioner Gary Bauman					
Commissioner Glenn Patton					
Commissioner Claude Bullock					
Chairman Charles Brooks					

**FINANCIAL OFFICER'S REPORT**  
**County Bond Team**

**Motion:**

**Second**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>	<b>Present</b>
<b>Commissioner Andrew Tobin</b>				
<b>Commissioner Gary Bauman</b>				
<b>Commissioner Glenn Patton</b>				
<b>Commissioner Claude Bullock</b>				
<b>Chairman Charles Brooks</b>				

LEGAL COUNSEL REPORT

TOM GET BACK  
w/ legal counsel / legal advisor

1. Received Draft Interlock w/ Co.
2. Linda Sanderson / Tax Co & Appraisal Office

Motion

Second

Member	Yes	No	Other	Present
Commissioner Andrew Tobin				
Commissioner Gary Bauman				
Commissioner Glenn Patton				
Commissioner Claude Bullock				
Chairman Charles Brooks				

**ENGINEERS REPORTS**  
**Monthly Status Report**

**Motion**

**Second**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>			
<b>Commissioner Bauman</b>			
<b>Commissioner Bullock</b>			
<b>Commissioner Patton</b>			
<b>Chairman Brooks</b>			

Manger's Report  
Sexton Cove Engineers

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Brooks			
Commissioner Bullock			
Commissioner Patton			
Chairman Bauman			

GENERAL MANAGER'S REPORT  
Haskell CO Proposal No. 9

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			

Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			



Motion

Second

Member	Yes	No	Other
Commissioner Tobin			
Commissioner Bauman			
Commissioner Bullock			
Commissioner Patton			
Chairman Brooks			

Motion to adjourn: *Andy*

Seconded by: *Claudio*

Adjournment: Time 8:39

KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF  
COMMISSIONERS MEETING

AGENDA

Wednesday, March 2, 2005 at 5:00 PM  
Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, FL

Charles Brooks  
Gary Bauman  
Andrew Tobin  
Glenn Patton  
Claude Bullock

Chairman  
Vice Chairman  
Secretary-Treasure  
Commissioner  
Commissioner

.....  
Charles F. Fishburn  
Thomas Dillon  
Carol Simpkins

General Manager  
District Counsel  
Board Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS**

**E. CONSENT AGENDA**

**F. APPROVAL OF MINUTES**

1. Feb. 16, 2005

(Action)

TAB 1

**G. PUBLIC COMMENT**

## **H. COMMISSIONER ITEMS**

- |    |  |  |              |
|----|--|--|--------------|
| 2. | Discussion of options in finding new rational ways to divide Federal Grant monies among Keys Governments.<br>Commissioner Bauman |  | <b>TAB 2</b> |
|----|--|--|--------------|

## **I. FINANCIAL OFFICER'S REPORT**

- |    |   |                 |              |
|----|---|-----------------|--------------|
| 3. | Pending Payments List                       | <b>(Action)</b> | <b>TAB 3</b> |
| 4. | Project Funding Status Report on KLTV & KLP |                 | <b>TAB 4</b> |
| 5. | TIB 150,000 Loan                            | <b>(Action)</b> | <b>TAB 5</b> |
| 6. | New TIB NOW Account                         | <b>(Action)</b> | <b>TAB 6</b> |
| 7. | County Bond Team                            |                 | <b>TAB 7</b> |

## **J. LEGAL COUNSEL REPORT**

## **K. ENGINEERS REPORT**

- |    |                       |  |              |
|----|-----------------------|--|--------------|
| 8. | Monthly Status Report |  | <b>TAB 8</b> |
|----|-----------------------|--|--------------|

## **L. GENERAL MANAGER'S REPORT**

- |     |  |                 |               |
|-----|--|-----------------|---------------|
| 9.  | Sexton Cove / Lake Surprise Engineer Selection | <b>(Action)</b> | <b>TAB 9</b>  |
| 10. | Haskell Change Proposal No. 9                  | <b>(Action)</b> | <b>TAB 10</b> |

## **ITEMS OF ONGOING CONCERN**

1. Procedures
2. Agency Coordination

## **M. ADJOURNMENT**



## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. /

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Minutes of February 16, 2005 Board MeetingRECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Board Clerk	Costs: Approximately \$0 Funding Source: Acct. #	<b>Attachments:</b> Minutes of 2.16.05 meeting
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>TD</u> <input checked="" type="checkbox"/> General Manager <u>C.F.</u> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk <u>CS</u>	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background:Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

## MINUTES

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

February 16, 2005

Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on February 2, 2005 at 5:07 PM. Present were Chairman Charles Brooks, Commissioners, Claude Bullock, and Gary Bauman. Commissioner Andrew Tobin arrived at 5:30 PM and Commissioner Glenn Patton arrived at 5:46 PM. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all other appropriate District staff.

Commissioner Bauman led the Pledge of Allegiance.

#### **ADDITIONS/DELETIONS TO THE AGENDA.**

The following changes were made to the agenda: Commissioner Patton had requested that items 2,4 and 10 be taken up after 6:00 PM. Commissioner Bauman requested that item 3 be taken up after 6:00 PM. District Counsel Thomas Dillon requested that an action item concerning the amendment of the District's policy be added. General Manager Charles Fishburn requested two an action items be included under finance one concerning an amendment of the FDEP Grant and one Awarding the KLP Collection System Bid. Also, the issue of a change order for a second story on the Regional Treatment Plant building and a discussion on handling wholesale effluent from Islamorada needs to be added under General Manager's Report.

**Motion: Commissioner Bauman made a motion to approve the agenda as amended.  
The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

## APPROVAL OF MINUTES

**Motion:** Commissioner Bauman made a motion to approve the minutes of the February 2, 2005 minutes. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

Commissioner Bauman stated that on page six of the January 19, 2005 minutes he meant say \$2.5 million not \$500,000.

**Motion:** Commissioner Bauman made a motion to approve the minutes of January 19, 2005 as corrected. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

**PUBLIC COMMENT:** The following persons addressed the Commission: None

## COMMISSIONER'S ITEMS

*System Development Funding Charge*



Commissioner Patton told the Board that District Counsel Thomas Dillon is currently reviewing the revised Rules and Regulations.

*Discussion of options in finding new rational ways to divide Federal grant monies among Keys Governments.*

This item was moved to the March 2, 2005 meeting.

## **FINANCIAL OFFICER'S REPORT**

### ***Project Funding***

Jon Moellenberg, Managing Director at RBC Dain Rauscher, gave a presentation on the different types of funding available to finance the KLWTD projects.

Please see attached Exhibit "A" for the presentation.

District Counsel Thomas Dillon summed up the process that the District should follow as first the Staff including the District Engineer will forecast the capital needs and operating funds, PRMG will help figure out a way to structure that information so the funds can be collected. Once that is done the Bond Counsel and someone like RBC Dain Rauscher will help to put together a package and bond it in order to receive funds to move forward with.

Commissioner Tobin stated that the District needs to have a Bond Attorney working for the District before they contract with a Financial Consultant.

### ***2004 CAFR***

Financial Officer Martin Waits along with Dave Andrews of Catarineau & Catarineau, LLC presented the 2004 CAFR

**Motion: Commissioner Patton made a motion to approve the 2004 CAFR as corrected. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Amended Weiler Work Orders*

**Motion:** Commissioner Patton made a motion to approve the First Amended Work Authorizations WEC 03-01 and WEC 03-02. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Pending Payments List*

Financial Officer Martin Waits presented the pending payment list for February 16, 2005.

**Motion:** Commissioner Patton made a motion to approve the pending payments list for February 2, 2005 subject to the availability of funds. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*FDEP Grant Amendment No. 3*

Financial Officer Martin Waits explained the grant amendment which consisted of updating the status of our projects.

**Motion:** Commissioner Bullock made a motion to approve FDEP Grant Amendment No. 3. The motion was seconded by Commissioner Patton.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *Operating Budget Report*

Financial Officer Martin Waits presented the Operating Budget Report.

#### **LEGAL COUNSEL REPORT**

##### *KLP Termination for Convenience Agreement & Release*

District Counsel Thomas Dillon recommended the acceptance of the Termination for Convenience Agreement & Release because it is in the best interest of the District.

**Motion:** Commissioner Patton made a motion to approve the KLP Termination for Convenience Agreement & Release. The motion was seconded by Commissioner Bauman.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *KLP Contract for Collection System*

The bid opening was held on February 11, 2005. There were two bidders, E.T. MacKenzie Company and ADB Utility Contractors. ADB Utility Contractors was the low bidder. Mr. Dillon reminded the Board that it was authorized to approve this contract for two reasons: the

original contractor had abandoned the work, and the District has statutory to contract without competition if the Board finds it to be in the best interests of the District.

**Motion: Commissioner Patton made a motion to approve the lower bidder ADB Utility Contractors for the KLP Contract for Collection System as designed. The motion was seconded by Commissioner Tobin.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Adoption of FKAA rules as non-rules*

District Counsel Thomas Dillon expressed concern that among the rules is Section 48-101.003 which provides that "the Authority follows the Uniform Rules of Procedure published in chapter [sic] 28, F.A.C." Title 28 of the Florida Administrative Code comprises the regulations adopted by the State under the APA. The District is not subject to the APA and, but for the adoption of the policy, the District would not be subject to the Uniform Rules of Procedure. Mr. Dillon recommended repeal of Section 48-101.003.

**Motion: Commissioner Tobin made a motion to start the process to repeal Section 48-101.003. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

### *PRMG*

The Board members stated that they had already approved the PRMG contract with changes. District Counsel Thomas Dillon stated that he will redo the contract and have it executed.

### **ENGINEERS REPORT**

#### *Lake Surprise / Sexton Cove*

The eight engineers under District contract have turned in the requested update of their firms. Mr. Castle's associate is currently reviewing the updates and he will review them also.

Commissioner Bauman stated that design people have to be available to answer questions and to review processes. General Manager Charles Fishburn explained that when the Engineer is selected then the contract will be proposed. It will not be a lump sum or a fixed fee but it will be billed monthly on what has been done.

#### *Key Largo Trailer Village Update*

The re-profiling of the Key Largo Trailer Village is done. The revision to the vacuum skid is done. The slab has been poured in the bottom of the vacuum vault at the Plant Site.

### **GENERAL MANAGER'S REPORT**

*Change Order from Haskell to re-enforce the walls and foundation of the building at the Regional Treatment Plant.*

General Manager Charles Fishburn stated that the price would be \$25,000. He has no recommendation for the Board. The Board took no action on this item.

#### *Discussion on handling wholesale effluent from Islamorada.*

The Board has no problem with Staff discussing the issue with Staff at Islamorada. Chairman Brooks expressed concern over any delays that may be caused to our project. The Board agreed that they do not want any delays to our projects as a result of handling wholesale effluent from Islamorada.

Mr. Fishburn reported that Monroe County has discussed splitting the \$40 million bond into two \$20 million bonds and separate inter-local agreements, one for the Key Largo Wastewater Treatment District and one for the FKAA.

### **ADJOURNMENT**

After a motion to adjourn by Commissioner Patton and a second by Commissioner Bullock the Board adjourned the meeting at 8:43 PM.

)

The KLWTD meeting minutes of February 16, 2005 were approved on March 2, 2005.

\_\_\_\_\_  
Chairman Charles Brooks

\_\_\_\_\_  
Carol Simpkins, CMC  
Board Clerk

)

11/15/74

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 2

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Division of Federal Grant Monies Options

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. Z

Date: 2-7-05

<b>Originating Department:</b> Commissioner Bauman	Costs: Approximately \$  Funding Source: Acct.	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. Z</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda	Yes I have notified everyone _____ Or Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** Commissioner Bauman placed this item on the agenda.

Inter-government allocation of state and federal grants money for sewer installation in Monroe Co.

1. Have the appropriate elected officials meet using the **Monroe Co. Master Plan** as their guide.
2. Choose the highest hot spot where the number of EDU's times the cost per EDU is less than or equal to the available grant money.
3. If money is left over repeat #2 until all the money is allocated.
4. If there is not enough money for the highest hot spot and that government will make up the difference, then they receive the grant money. Otherwise, move to the next highest hot spot.
5. Vote to ratify and take the decision back for approval by the individual government boards.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



TAB 3

## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 3

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Pending Payments ListRECOMMENDED MOTION/ACTION: Motion to approve pending payments list for payment contingent upon available funds.

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Pending Payment List
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

Summary Explanation/Background:Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

**Key Largo Wastewater Treatment District**

**Payments Pending 03/02/05**

Prepared 02/24/05

**CONSOLIDATED CASH BALANCE FORWARD**

**\$ 1,337,735.17**

**Administration & Operations**

Cash Balance A&O Account Forward \$ 127,232.62

Plus: No reimbursements received 0.00

Sub-total Receipts 0.00

Less: FedEx - Deliveries 70.10

BellSouth - Board & Local Lines 78.91

Chuck Fishburn - Mileage (D/B Orlando) 180.96

Cooke Communications - Legal Advertisements 240.01

Toshiba - Copier Rent & Supplies (+/- 2 mos.) 676.12

GSG - Management Services (January) 195.00

PRMG - County Bond Progress Payment 3,635.20

Catarineau & Catarineau - Final Audit (\$10,520 total) 1,520.00

NC Tile - Office Carpet 1,557.60

Rayce Toland - Office Carpet Installation 960.00

Bank One Visa - Design/Build Conf., Postage, Misc. 1,048.23

Sub-total Invoices 10,162.13

**\$ (10,162.13)**

Cash Balance A&O Account If All Paid \$ 117,070.49

Memo: MSTU Draw #7 Submitted 12/16/04 \$45,524  
(Re-submitted 02/09/04)

MSTU Draw #8 Submitted 2/17/05 \$70,082

**Key Largo Park**

Cash Balance KLP Account Forward \$ (50,693.74)

Less: Weiler Enineering (January) 3,070.19

Sub-total Invoices 3,070.19

**(3,070.19)**

Cash Balance KLP Account If All Paid \$ (53,763.93)

FDEP Draw #5 Submitted 2/23/05 \$30,448

MC 148 Final Draw Submitted 2/23/05 \$13,029

**Key Largo Trailer Village**

Cash Balance KLTV Account Forward \$1,261,196.29

Plus: No reimbursements received

Less: Fluidyne - 10% Drawings Received / Bonds 65,741.10

Jupiter Environmental - Water Samples 120.00

Weiler Engineering (January) 5,656.78

Haskell - January 233,729.69

Sub-total Invoices 305,247.57

**(305,247.57)**

Cash Balance KLTV Account If All Paid \$ 955,948.72

Memo: Local FEMA Match Submitted 2/10/05 \$807,187

**CONSOLIDATED CASH BALANCE IF ALL PAID**

**\$ 1,019,255.28**

**Approved for payment:**

\_\_\_\_\_  
Charles Brooks, Chairman

\_\_\_\_\_  
Andrew Tobin, Secretary

4114134

## KEY LARGO WASTEWATER TREATMENT DISTRICT

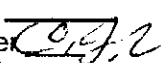

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 4

☐ PUBLIC HEARING☐ RESOLUTION☒ DISCUSSION☐ BID/RFP AWARD☐ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Project Funding Status Report on KLTV & KLPRECOMMENDED MOTION/ACTION: No action requiredApproved by General Manager 

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> KLTV Sources & Uses KLP Sources & Uses
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering____ <input type="checkbox"/> Clerk____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____  Please initial one.

Summary Explanation/Background: Staff is providing a monthly update on funding status of our two projects.Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

# Key Largo Trailer Village

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		General Comments
<b>Federal:</b>		
FEMA I (FKAA)	\$ 1,097,143	\$642,590 spent \ \$361,070 held by FKAA
FEMA II	4,388,571	\$2,018,683 advanced
Subtotal Federal Funds	5,485,714	
	57%	
<b>State:</b>		
SFWMD	100,000	Advanced and spent
DCA Cesspit Grant	1,118,020	Interlocal amount \$1,225,600 / KLP \$107,580
DCA (12.5% FEMA I Match-FKAA)	182,187	\$107,098 spent / \$75,759 held by FKAA
DCA (12.5% FEMA II Match)	731,429	\$293,475 advanced
Subtotal State Funds	2,131,636	
	23%	
<b>Local:</b>		
304 Fund (12.5% FEMA I Match-FKAA)	182,857	\$107,098 spent / \$75,759 held by FKAA
304 Fund (12.5% FEMA II Match)	731,428	Monroe County Loan
304 Fund (Cesspits)	640,000	Interlocal amount \$790,000 / KLP \$150,000
Plant Site Mitigation Funding	294,708	
Subtotal Local Funds	1,848,993	
	20%	
<b>Total Funds</b>	<b>\$ 9,466,343</b>	Excludes land purchase \$826,234 (in kind)

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FKAA Spending	\$ 374,678	\$ -	\$ 374,678
Weiler Engineering	107,089	62,276	169,365
Haskell Contract (excl. Escalation Claim)*	1,947,934	6,029,066	7,977,000 *
Haskell Change #7 (AirVac Estimate)	-	191,000	191,000
Sales Tax Credits**	-	(72,000)	(72,000) **
Plant Site Mitigation	-	294,708	294,708
Misc. Construction Expense (contingency)	7,713	92,287	100,000
GSG (incl. Feb-May, 03 Engineering)	50,258	-	50,258
KLWTD Staff Expense (Insp / Mgmt / Legal)	38,874	91,126	130,000
<b>Total Expenses</b>	<b>\$ 2,526,546</b>	<b>\$ 6,688,463</b>	<b>\$ 9,215,009</b>

\*Escalation claim +\$251,152 (\$296,093 - \$44,941 Rovac). \*\*Estimate \$1.2 million Fluidyne, AirVac, generator

**TOTAL PROJECT RECEIPTS TO DATE** **\$ 3,554,137**

# Key Largo Park

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

#### General Comments

#### Federal:

Army Corps.	\$	267,000
		10%

Available by September, 2005

#### State:

FDEP Grant	1,660,000
FDEP Grant Amendment 2	187,312
DCA Cesspit Grant	107,580
Subtotal	<u>1,954,892</u>
	71%

\$ 101,466 Advanced  
Unused Cesspit Replacement Allocation  
Interlocal amount \$1,225,600 / KLTV \$1,118,020

#### Local:

148 Fund	356,000
148 Fund (Cesspits)	100,000
304 Fund (Cesspits)	50,000
Subtotal	<u>506,000</u>
	19%

FCAA used \$323,393 for Boyle  
Admin portion Interlocal \$790,000 (See below)  
Balance Interlocal \$790,000 / KLTV \$640,000

#### Total Funds

\$ 2,727,892

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FCAA Spending	\$ 326,000	0 \$	326,000
Weiler Engineering	58,310	41,950	100,260
ADB Contract	0	2,283,385	2,283,385
Haskell Change Order (Eng'g))	66,391	7,376	73,767
Misc. Construction Expense (Contingency)	7,500	142,500	150,000
Government Services Group	18,365	0	18,365
KLWTD Staff Expense (Mgmt / Legal)	8,944	51,056	60,000
<b>Total Expenses</b>	<u>\$ 485,510</u>	<u>\$ 2,526,267</u>	<u>\$ 3,011,777</u>

\*Certain valves (\$ 59,000) and pits (\$ 54,000) included in the KLTV project may be utilized in the KLP project, in which case funding in the total amount of \$ 113,000 would be transferred from the KLTV project to the KLP project.

TOTAL PROJECT RECEIPTS TO DATE      \$ 443,916.00







**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 5

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: \$150,000 Loan with TIB

RECOMMENDED MOTION/ACTION: Motion to rescind the District's \$150,000 line of credit with TIB bank.

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Requested by TIB Bank since the District does not anticipate drawing on the line in the foreseeable future.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TAB 6

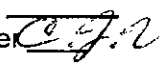
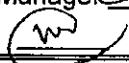
## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 6

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: New TIB NOW AccountRECOMMENDED MOTION/ACTION: Motion to approve opening a new TIB Bank NOW account to hold FEMA matching funds received from the County.Approved by General Manager Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$No cost for this account.  Funding Source:  Acct. #	<b>Attachments:</b>  None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** The District expects to receive County matching funds in the full amount of the FEMA Phase II grant. These funds will be deposited into the new account. Funds will be transferred from the new account into the General Account in amounts identical to State matching funds received. This will facilitate auditing and earn interest for the District.

Resulting Board Action:☒ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

**TAB 7**

## KEY LARGO WASTEWATER TREATMENT DISTRICT

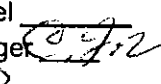

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 7

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: County Bond TeamRECOMMENDED MOTION/ACTION: No action requiredApproved by General Manager 

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: Approximately \$ Funding Source: Acct. #	<b>Attachments</b> Preliminary Plan of Finance
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Review of County process as background for on-going District discussions.

Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

*Marty KL WTD*

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## MONROE COUNTY, FLORIDA

### Preliminary Plan of Finance Infrastructure Surtax Bonds, Series 2005

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#### INTRODUCTION

Monroe County, Florida, was established in 1823. It is comprised primarily of the Everglades National Park and Florida Keys, which are a string of coral islands extending in a southwesterly arc from Biscayne Bay to the Dry Tortugas. The Florida Keys separate the Atlantic Ocean on the south and the east from the Gulf of Mexico on the north and west, and extend approximately 100 miles south from the United States mainland. The County seat, the City of Key West, located on the southernmost of the Florida Keys, lies 98 miles north of Cuba, approximately 160 miles southwest of Miami and 66 nautical miles north of the Tropic of Cancer. The County's estimated population is 81,140 per the Florida Association of Counties 2004 Directory.

#### I. FINANCING TEAM PARTICIPANTS

<b>Financial Advisor</b>	<i>Public Financial Management, Inc. ("PFM")</i> a consulting firm selected by the County to provide the County with advice in respect to the structure, timing, terms, planning, and other matters concerning the issuance of bonds.
<b>Bond Counsel</b>	<i>Nabors, Giblin &amp; Nickerson, P.A.</i> a law firm selected by the County to deliver an opinion, upon the closing of the bond issue, as to legality of issuance and other legal matters and an opinion as to the tax-exempt nature of the bonds.
<b>Disclosure Counsel</b>	<i>Bryant, Miller and Olive</i> a law firm selected by the County to and to advise the County on legal matters.
<b>Underwriter</b>	<i>To Be Determined</i> an underwriting firm selected by competitive bids for the bonds.



TAB 8

## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 8

☐ PUBLIC HEARING☐ RESOLUTION☒ DISCUSSION☐ BID/RFP AWARD☐ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Monthly Status ReportRECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Engineering	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Mo. status report
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <i>C. J. [Signature]</i> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <i>EC</i> <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

Summary Explanation/Background:Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised





*"Excellence in Engineering"*

20020 Veterans Boulevard., Suite 7  
Port Charlotte, FL 33954  
(941) 764-6447 ph  
(941) 764-8915 fax

## **Key Largo Wastewater Treatment District Engineering Status Report Period Ending 02/24/05**

### **Client Issues**

#### **Key Largo Park**

Sealed bids for performing the work in Key Largo Park were obtained from two contractors. These bids were opened, and one was found to be lower than the original bid from DN Higgins. The Board directed Staff to move forward with entering into a contract with ADB, the contractor submitting the lower priced bid. The Board also authorized a mutual termination of the DN Higgins contract.

#### **Key Largo Village**

AirVac completed the reprofiling of the vacuum collection system for Key Largo Trailer Village, with the exception of those pipe lines along US 1 that serve only Key Largo Park. These lines are part of the Haskell contract for the Village, even though they do not serve the Village. AirVac is working on reprofiling the Key Largo Park system at this time.

Fountain Engineering, the subcontractor to DN Higgins, continued working on the vacuum collection system. The bulk of the work in this period was placing the remaining portion of the 10" vacuum main along US 1. In addition, the Fountain crew was trained in assembly and testing of AirVac vacuum pits. An AirVac representative presented this training. It also included a test placement of a vacuum pit in the DN Higgins construction yard.

Work continued on the vacuum vault at the treatment plant site. The bottom slab was poured on February 11<sup>th</sup>. The steel and forms for the walls and the cast-in-place section of the top were placed, and the concrete was poured on February 23<sup>rd</sup>.

### **KLVT Treatment Plant**

No work has yet begun on the wastewater treatment plant site other than clearing and grading, fencing and work on the vacuum pump station.

The FDEP permit for the wastewater treatment plant has not been issued as of February 23<sup>rd</sup>. John Armstrong, of the FDEP, spoke with Ted Hortenstine of Brown & Caldwell and indicated that he would sign the approval to process the permit during the week of February 20<sup>th</sup>. The instruction to publish the Notice of Intent to Issue has not yet been received.

According to Will English, Peter Kinsley of The Haskell Company requested approval from the FDEP to proceed with construction at risk until the permit is issued. If approved, this would allow The Haskell Company to begin construction of the WWTP facilities with the understanding that if the permit were denied by FDEP or if modifications to the design were required, The Haskell Company would be responsible for bearing any costs or fines associated with construction of the facility without a permit.

After being informed of Kinsley's request, Ed Castle reminded Will English that as of this date, the final design of the WWTP facilities had not been submitted to the District for review and that signed and sealed construction plans had not yet been produced. He also reminded Will English that corrections and changes to the submitted construction specifications were required and that approved shop drawings had not yet been submitted. These facts were documented in an email following the phone conversation.

### **Lake Surprise Project**

Updated Statements of Qualifications were received from the engineering firms in the District's library of consultants. Weiler Engineering, acting as the District's Engineer and therefore not eligible to submit for this project, prepared a detailed ranking sheet with weighted maximum points for each category of experience. WEC has completed the ranking, reviewing both the original SOQs and the updates for each of the seven firms. The completed ranking sheets have been submitted to the General Manager for review. The General Manager is to recommend a firm for the design of the Lake Surprise project for Board approval.

### **Haskell Pay Applications**

The Haskell pay application for the month of December was received late and was processed for approval at the February 2<sup>nd</sup> Board meeting. The pay application for January was also received and processed late, and will be presented for approval at the March 2<sup>nd</sup> Board meeting.

### **Regulatory Compliance Issues**

As stated in earlier reports, the FDEP approved dewatering at the treatment plant site based on the low levels of petroleum contaminants found in water collected from the excavation. As requested by the FDEP, Staff has collected a sample of the dewatering pump discharge approximately half way through the dewatering process. This sample also showed acceptably low levels of petroleum contaminants. A final sample will be collected at the end of dewatering. After dewatering has been completed, a final report will be provided to the FDEP summarizing the results of all sampling.

### **Project Team Meetings and Actions**

Ed Castle attended the regularly scheduled Board meetings on February 2nd and 16<sup>th</sup>. He also met with KLWTD staff on the 2<sup>nd</sup> and 16<sup>th</sup> prior to the Board meetings. He attended the Construction Progress meeting on February 16<sup>th</sup>.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/26, 2/2, 2/9, 2/11, and 2/16. Dan Saus visited the KLTV work sites for construction observation on the following dates: 2/9, 2/11, and 2/22.

TAB 9

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 9

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT:** Sexton Cove / Lake Surprise SOQ

**RECOMMENDED MOTION/ACTION:** The Board approve an engineering firm recommended by staff.

**Approved by General Manager** \_\_\_\_\_

**Date:** \_\_\_\_\_

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Memo from Charles Fishburn
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** General Manager Charles Fishburn and Weiler Engineering have reviewed the seven engineering firms under contract with the District and will present their recommendations for the Engineering Firm to design the Lake Surprise/Sexton Cove Project at the meeting.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# Memo

**To:** KLWTD Board Members  
**From:** Charles F. Fishburn, General Manager  
**CC:** File  
**Date:** February 28, 2005  
**Re:** Engineering Firm

---

The KLWTD in June of 2003 selected eight engineering firms to place under contract to provide continuing engineering services for the District on an as-needed basis. These firms were selected from thirteen firms responding to a RFQ put out by the District.

A review process selected eight of the thirteen firms. Weiler Engineering, from the eight firms, was selected to serve as the District's Engineer.

The remaining seven firms are all under contract to the District for "Consulting / Professional Services" none have been used to date.

With the addition of the Lake Surprise/Sexton Cove Project, the Board and Staff considered going out for a new RFQ for the project alone. After discussion the Board directed Staff to update the qualifications of the seven firms in light of the scope of the Lake Surprise/Sexton Cove Project.

All seven eligible firms responded with updates and letters of interest. Staff has reviewed the updated responses and the previous submittals. On advice of Council, Staff has not discussed our rankings to give the Board a recommendation.

Staff proposes to publicly discuss our evaluations and make our recommendation during the public meeting on March 2, 2005.



**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 10

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING           | <input type="checkbox"/> RESOLUTION     |
| <input type="checkbox"/> DISCUSSION               | <input type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                   |   |

**SUBJECT:** Haskell Change Proposal No. 9 for Key Largo Trailer Village

**RECOMMENDED MOTION/ACTION:** Approval Change Proposal No. 9

**Approved by General Manager** C. J. [Signature]

**Date:** 2-24-05

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Change Proposal No. 9
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** Twenty percent of the 21 acre Wastewater Treatment Plant site is available for the Regional Treatment Plant. 2.6 acres has been cleared for the current projects. Staff is recommending clearing an additional 1.5 acres for the Sexton Cove Project. The Change Order covers the clearing; an additional \$180,000 for mitigation will be requested from the County.

**Resulting Board Action:**

☒ Approved
 ☐ Tabled
 ☐ Disapproved
 ☐ Recommendation Revised





THE HASKELL COMPANY

AMERICA'S DESIGN-BUILD LEADER®

Will T. English  
Project Manager

February 24, 2004

Re: Wastewater Management System  
For The Key Largo Trailer Village  
Key Largo, Florida  
Issue 02-030 - Clearing of  
additional 1.5 acres.  
Change Proposal No. 9

Mr. Chuck Fishburn  
KLWTD General Manager  
Post Office Box 491  
Key Largo, Florida 33037

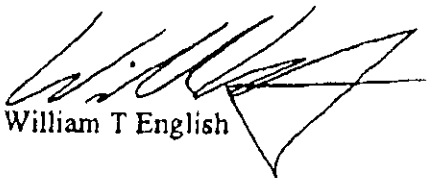
Dear Mr. Fishburn:

As requested by the Key Largo Wastewater Treatment District (KLWTD), The Haskell Company is proposing to provide layout and clearing services for the clearing of approximately 1.5 acres as determined by a sketch prepared by The Weiler Engineering Corporation. As determined by the clearing subcontractor, the mulch generated from native vegetation may be hauled off or may be spread on site depending on needs at the time. No erosion control has been included in this proposal.

**Our total lump sum add for this work is Thirty Nine Thousand Two Hundred Forty Three Dollars and Zero Cents (\$39,243.00).**

Should you have any questions or require further information, please do not hesitate to contact me at (904) 357-4225.

Sincerely,



William T English

Enclosure

cc: Issue File 02-030







# ARBORTECH

**TREE & LANDSCAPE, INC.**

Commercial & Residential Landscaping

(305)852-5180  
(305)852-4394  
P.O. Box 41  
Tavernier, FL 33070

Licensed & Insured

## PROJECT PROPOSAL

Customer Name: The Haskell Company  
Phone/Fax No.: (904)357-4225/(904)357-4282  
Job Location: 100501 Overseas Hwy., Key Largo.

We hereby submit specifications and estimate for:

- \* Clearing of 1.5 acres of land. Please refer to attached survey by Weiler Engineering (page 002).
- \* Removal and on-site mulching (grinding) of all trees and stumps.
- \* Hauling away of pre-existing debris.

At project's end, area will be flat, leveled and clean of foreign debris. Mulch will be left on site in piles.

Proposal Amount \$35,000.00

Date 2/23/05

Payment as follows:  $\frac{1}{2}$  (one half) of total amount down payment and remaining  $\frac{1}{2}$  on job completion.

All material is guaranteed to be as specified. All work is to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 7 days and is void thereafter at the option of the undersigned.

Authorized Signature

Date

2-23-5

### Acceptance of Proposal

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Customer Signature

Date



# Charles Tolton & Associates, Inc.

Land Surveying - Planning - Engineering & Construction Management Services

## ESTIMATE



02.24.05

The Haskell Company  
111 Riverside Ave  
Jacksonville, Florida 32202  
Attn: Will English

Re: KLWWTP

Due Date ASAP

### ESTIMATED SURVEY/ENGINEERING COSTS FOR THE ABOVE REFERENCED PROJECT

Calculate new corner positions per faxed sketch.	
2 Man Field Crew to set or find new corners for clearing of property. (1.5 acres more or less)	
P.L.S. oversight and review.	
Lump Sum	\$ 1,500.00

## ESTIMATE

TOTAL \$ 1,500.00

Page 1 Of 1

This estimate is good for 3 months after above date.

Thank You for considering Charles Tolton & Associates for this project

Charles Tolton, P.L.S.  
President

If this estimate is acceptable, please sign and return.

Authorized Agent/Title

2887 Tamiami Trail East, Suite 5 • Naples, Florida 34112 • (239) 793-6633 • Fax: (239) 793-3903  
email: cta\_inc@earthlink.net

**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF  
COMMISSIONERS MEETING**

**AGENDA**

**Wednesday, March 2, 2005 at 5:00 PM**

**Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, FL**

**Charles Brooks  
Gary Bauman  
Andrew Tobin  
Glenn Patton  
Claude Bullock**

**Chairman  
Vice Chairman  
Secretary-Treasure  
Commissioner  
Commissioner**

.....  
**Charles F. Fishburn  
Thomas Dillon  
Carol Simpkins**

**General Manager  
District Counsel  
Board Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Board Clerk at 305-451-5105 at least 48 hours in advance to request accommodations.

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS**

**E. CONSENT AGENDA**

**F. APPROVAL OF MINUTES**

1. Feb. 16, 2005

**(Action) TAB 1**

**G. PUBLIC COMMENT**

## **H. COMMISSIONER ITEMS**

- |    |  |  |              |
|----|--|--|--------------|
| 2. | Discussion of options in finding new rational ways to divide Federal Grant monies among Keys Governments.<br>Commissioner Bauman |  | <b>TAB 2</b> |
|----|--|--|--------------|

## **I. FINANCIAL OFFICER'S REPORT**

- |    |   |                 |              |
|----|---|-----------------|--------------|
| 3. | Pending Payments List                       | <b>(Action)</b> | <b>TAB 3</b> |
| 4. | Project Funding Status Report on KLTV & KLP |                 | <b>TAB 4</b> |
| 5. | TIB 150,000 Loan                            | <b>(Action)</b> | <b>TAB 5</b> |
| 6. | New TIB NOW Account                         | <b>(Action)</b> | <b>TAB 6</b> |
| 7. | County Bond Team                            |                 | <b>TAB 7</b> |

## **J. LEGAL COUNSEL REPORT**

## **K. ENGINEERS REPORT**

- |    |                       |  |              |
|----|-----------------------|--|--------------|
| 8. | Monthly Status Report |  | <b>TAB 8</b> |
|----|-----------------------|--|--------------|

## **L. GENERAL MANAGER'S REPORT**

- |     |  |                 |               |
|-----|--|-----------------|---------------|
| 9.  | Sexton Cove / Lake Surprise Engineer Selection | <b>(Action)</b> | <b>TAB 9</b>  |
| 10. | Haskell Change Proposal No. 9                  | <b>(Action)</b> | <b>TAB 10</b> |

## **ITEMS OF ONGOING CONCERN**

1. Procedures
2. Agency Coordination

## **M. ADJOURNMENT**

TABLE II



# KEY LARGO WASTEWATER TREATMENT DISTRICT

## Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. /

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Minutes of February 16, 2005 Board Meeting

RECOMMENDED MOTION/ACTION: Approval of minutes with any needed additions, deletions or corrections.

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Board Clerk	Costs: Approximately \$0 Funding Source: Acct. #	<b>Attachments:</b> Minutes of 2.16.05 meeting
<b>Department Review:</b> <input checked="" type="checkbox"/> District Counsel <u>TP</u> <input checked="" type="checkbox"/> General Manager <u>C.F.</u> <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk <u>CS</u>	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

# MINUTES

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

February 16, 2005  
Key Largo Civic Club, 209 Ocean Bay Drive

The KLWTD Board of Commissioners met for a regular meeting on February 2, 2005 at 5:07 PM. Present were Chairman Charles Brooks, Commissioners, Claude Bullock, and Gary Bauman. Commissioner Andrew Tobin arrived at 5:30 PM and Commissioner Glenn Patton arrived at 5:46 PM. Also present were General Manager Charles Fishburn, Board Clerk Carol Simpkins, District Counsel Thomas Dillon, and all other appropriate District staff.

Commissioner Bauman led the Pledge of Allegiance.

### ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda: Commissioner Patton had requested that items 2,4 and 10 be taken up after 6:00 PM. Commissioner Bauman requested that item 3 be taken up after 6:00 PM. District Counsel Thomas Dillon requested that an action item concerning the amendment of the District's policy be added. General Manager Charles Fishburn requested two an action items be included under finance one concerning an amendment of the FDEP Grant and one Awarding the KLP Collection System Bid. Also, the issue of a change order for a second story on the Regional Treatment Plant building and a discussion on handling wholesale effluent from Islamorada needs to be added under General Manager's Report.

**Motion: Commissioner Bauman made a motion to approve the agenda as amended. The motion was seconded by Commissioner Bullock.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

## **APPROVAL OF MINUTES**

**Motion:** Commissioner Bauman made a motion to approve the minutes of the February 2, 2005 minutes. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

Commissioner Bauman stated that on page six of the January 19, 2005 minutes he meant say \$2.5 million not \$500,000.

**Motion:** Commissioner Bauman made a motion to approve the minutes of January 19, 2005 as corrected. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton			Absent
Commissioner Andrew Tobin			Absent
Chairman Charles Brooks	X		

Motion passed 3 to 0

**PUBLIC COMMENT:** The following persons addressed the Commission: None

## **COMMISSIONER'S ITEMS**

*System Development Funding Charge*

Commissioner Patton told the Board that District Counsel Thomas Dillon is currently reviewing the revised Rules and Regulations.

*Discussion of options in finding new rational ways to divide Federal grant monies among Keys Governments.*

This item was moved to the March 2, 2005 meeting.

## **FINANCIAL OFFICER'S REPORT**

### *Project Funding*

Jon Moellenberg, Managing Director at RBC Dain Rauscher, gave a presentation on the different types of funding available to finance the KLWTD projects.

Please see attached Exhibit "A" for the presentation.

District Counsel Thomas Dillon summed up the process that the District should follow as first the Staff including the District Engineer will forecast the capital needs and operating funds, PRMG will help figure out a way to structure that information so the funds can be collected. Once that is done the Bond Counsel and someone like RBC Dain Rauscher will help to put together a package and bond it in order to receive funds to move forward with.

Commissioner Tobin stated that the District needs to have a Bond Attorney working for the District before they contract with a Financial Consultant.

### *2004 CAFR*

Financial Officer Martin Waits along with Dave Andrews of Catarineau & Catarineau, LLC presented the 2004 CAFR

**Motion: Commissioner Patton made a motion to approve the 2004 CAFR as corrected. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Amended Weiler Work Orders*

**Motion:** Commissioner Patton made a motion to approve the First Amended Work Authorizations WEC 03-01 and WEC 03-02. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Pending Payments List*

Financial Officer Martin Waits presented the pending payment list for February 16, 2005.

**Motion:** Commissioner Patton made a motion to approve the pending payments list for February 2, 2005 subject to the availability of funds. The motion was seconded by Commissioner Bullock.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*FDEP Grant Amendment No. 3*

Financial Officer Martin Waits explained the grant amendment which consisted of updating the status of our projects.

**Motion:** Commissioner Bullock made a motion to approve FDEP Grant Amendment No. 3. The motion was seconded by Commissioner Patton.

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *Operating Budget Report*

Financial Officer Martin Waits presented the Operating Budget Report.

#### **LEGAL COUNSEL REPORT**

##### *KLP Termination for Convenience Agreement & Release*

District Counsel Thomas Dillon recommended the acceptance of the Termination for Convenience Agreement & Release because it is in the best interest of the District.

**Motion: Commissioner Patton made a motion to approve the KLP Termination for Convenience Agreement & Release. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

#### *KLP Contract for Collection System*

The bid opening was held on February 11, 2005. There were two bidders, E.T. MacKenzie Company and ADB Utility Contractors. ADB Utility Contractors was the low bidder. Mr. Dillon reminded the Board that it was authorized to approve this contract for two reasons: the

original contractor had abandoned the work, and the District has statutory to contract without competition if the Board finds it to be in the best interests of the District.

**Motion: Commissioner Patton made a motion to approve the lower bidder ADB Utility Contractors for the KLP Contract for Collection System as designed. The motion was seconded by Commissioner Tobin.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

*Adoption of FKAA rules as non-rules*

District Counsel Thomas Dillon expressed concern that among the rules is Section 48-101.003 which provides that "the Authority follows the Uniform Rules of Procedure published in chapter [sic] 28, F.A.C." Title 28 of the Florida Administrative Code comprises the regulations adopted by the State under the APA. The District is not subject to the APA and, but for the adoption of the policy, the District would not be subject to the Uniform Rules of Procedure. Mr. Dillon recommended repeal of Section 48-101.003.

**Motion: Commissioner Tobin made a motion to start the process to repeal Section 48-101.003. The motion was seconded by Commissioner Bauman.**

Vote on motion:

Board Member	Yes	No	Other
Commissioner Gary Bauman	X		
Commissioner Claude Bullock	X		
Commissioner Glenn Patton	X		
Commissioner Andrew Tobin	X		
Chairman Charles Brooks	X		

Motion passed 5 to 0

### *PRMG*

The Board members stated that they had already approved the PRMG contract with changes. District Counsel Thomas Dillon stated that he will redo the contract and have it executed.

### **ENGINEERS REPORT**

#### *Lake Surprise / Sexton Cove*

The eight engineers under District contract have turned in the requested update of their firms. Mr. Castle's associate is currently reviewing the updates and he will review them also.

Commissioner Bauman stated that design people have to be available to answer questions and to review processes. General Manager Charles Fishburn explained that when the Engineer is selected then the contract will be proposed. It will not be a lump sum or a fixed fee but it will be billed monthly on what has been done.

#### *Key Largo Trailer Village Update*

The re-profiling of the Key Largo Trailer Village is done. The revision to the vacuum skid is done. The slab has been poured in the bottom of the vacuum vault at the Plant Site.

### **GENERAL MANAGER'S REPORT**

*Change Order from Haskell to re-enforce the walls and foundation of the building at the Regional Treatment Plant.*

General Manager Charles Fishburn stated that the price would be \$25,000. He has no recommendation for the Board. The Board took no action on this item.

#### *Discussion on handling wholesale effluent from Islamorada.*

The Board has no problem with Staff discussing the issue with Staff at Islamorada. Chairman Brooks expressed concern over any delays that may be caused to our project. The Board agreed that they do not want any delays to our projects as a result of handling wholesale effluent from Islamorada.

Mr. Fishburn reported that Monroe County has discussed splitting the \$40 million bond into two \$20 million bonds and separate inter-local agreements, one for the Key Largo Wastewater Treatment District and one for the FKAA.

### **ADJOURNMENT**

After a motion to adjourn by Commissioner Patton and a second by Commissioner Bullock the Board adjourned the meeting at 8:43 PM.



The KLWTD meeting minutes of February 16, 2005 were approved on March 2, 2005.

---

Chairman Charles Brooks

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Carol Simpkins, CMC  
Board Clerk

TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 2

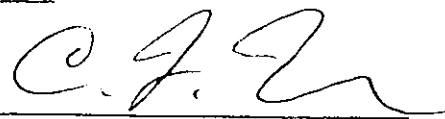
- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> DISCUSSION<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> BID/RFP AWARD<br><input type="checkbox"/> CONSENT AGENDA |
|--|--|

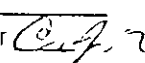
SUBJECT: Division of Federal Grant Monies Options

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 2-7-05



<b>Originating Department:</b> Commissioner Bauman	Costs: Approximately \$  Funding Source: Acct.	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda	Yes I have notified everyone _____ Or Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** Commissioner Bauman placed this item on the agenda.

Inter-government allocation of state and federal grants money for sewer installation in Monroe Co.

1. Have the appropriate elected officials meet using the **Monroe Co. Master Plan** as their guide.
2. Choose the highest hot spot where the number of EDU's times the cost per EDU is less than or equal to the available grant money.
3. If money is left over repeat #2 until all the money is allocated.
4. If there is not enough money for the highest hot spot and that government will make up the difference, then they receive the grant money. Otherwise, move to the next highest hot spot.
5. Vote to ratify and take the decision back for approval by the individual government boards.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

**TAB 3**

## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 3

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Pending Payments ListRECOMMENDED MOTION/ACTION: Motion to approve pending payments list for payment contingent upon available funds.Approved by General Manager C. J. R.Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Pending Payment List
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. R.</u> <input checked="" type="checkbox"/> Finance <u>W</u>	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

Summary Explanation/Background:Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised

**Key Largo Wastewater Treatment District**

**Payments Pending 03/02/05**

Prepared 02/24/05

**CONSOLIDATED CASH BALANCE FORWARD**

**\$ 1,337,735.17**

**Administration & Operations**

Cash Balance A&O Account Forward \$ 127,232.62

Plus: No reimbursements received 0.00

Sub-total Receipts 0.00

Less: FedEx - Deliveries 70.10

BellSouth - Board & Local Lines 78.91

Chuck Fishburn - Mileage (D/B Orlando) 180.96

Cooke Communications - Legal Advertisements 240.01

Toshiba - Copier Rent & Supplies (+/- 2 mos.) 676.12

GSG - Management Services (January) 195.00

PRMG - County Bond Progress Payment 3,635.20

Catarineau & Catarineau - Final Audit (\$10,520 total) 1,520.00

NC Tile - Office Carpet 1,557.60

Rayce Toland - Office Carpet Installation 960.00

Bank One Visa - Design/Build Conf., Postage, Misc. 1,048.23

Sub-total Invoices 10,162.13

**\$ (10,162.13)**

Cash Balance A&O Account If All Paid \$ 117,070.49

Memo: MSTU Draw #7 Submitted 12/16/04 \$45,524

(Re-submitted 02/09/04)

MSTU Draw #8 Submitted 2/17/05 \$70,082

**Key Largo Park**

Cash Balance KLP Account Forward \$ (50,693.74)

Less: Weiler Engineering (January) 3,070.19

Sub-total Invoices 3,070.19

**(3,070.19)**

Cash Balance KLP Account If All Paid \$ (53,763.93)

FDEP Draw #5 Submitted 2/23/05 \$30,448

MC 148 Final Draw Submitted 2/23/05 \$13,029

**Key Largo Trailer Village**

Cash Balance KLTV Account Forward \$1,261,196.29

Plus: No reimbursements received

Less: Fluidyne - 10% Drawings Received / Bonds 65,741.10

Jupiter Environmental - Water Samples 120.00

Weiler Engineering (January) 5,656.78

Haskell - January 233,729.69

Sub-total Invoices 305,247.57

**(305,247.57)**

Cash Balance KLTV Account If All Paid \$ 955,948.72

Memo: Local FEMA Match Submitted 2/10/05 \$807,187

**CONSOLIDATED CASH BALANCE IF ALL PAID**

**\$ 1,019,255.28**

**Approved for payment:**

\_\_\_\_\_  
Charles Brooks, Chairman

\_\_\_\_\_  
Andrew Tobin, Secretary



TAB 4

# KEY LARGO WASTEWATER TREATMENT DISTRICT

## Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 4

☐ PUBLIC HEARING

☐ RESOLUTION

☒ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Project Funding Status Report on KLTV & KLP

RECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> KLTV Sources & Uses KLP Sources & Uses
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____  Please initial one.

Summary Explanation/Background: Staff is providing a monthly update on funding status of our two projects.

### Resulting Board Action:

☒ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



# Key Largo Trailer Village

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		<u>General Comments</u>
<b>Federal:</b>		
FEMA I (FKAA)	\$ 1,097,143	\$642,590 spent \ \$361,070 held by FKAA
FEMA II	4,388,571	\$2,018,683 advanced
Subtotal Federal Funds	<u>5,485,714</u>	
	57%	
<b>State:</b>		
SFWMD	100,000	Advanced and spent
DCA Cesspit Grant	1,118,020	Interlocal amount \$1,225,600 / KLP \$107,580
DCA (12.5% FEMA I Match-FKAA)	182,187	\$107,098 spent / \$75,759 held by FKAA
DCA (12.5% FEMA II Match)	<u>731,429</u>	\$293,475 advanced
Subtotal State Funds	<u>2,131,636</u>	
	23%	
<b>Local:</b>		
304 Fund (12.5% FEMA I Match-FKAA)	182,857	\$107,098 spent / \$75,759 held by FKAA
304 Fund (12.5% FEMA II Match)	731,428	Monroe County Loan
304 Fund (Cesspits)	640,000	Interlocal amount \$790,000 / KLP \$150,000
Plant Site Mitigation Funding	<u>294,708</u>	
Subtotal Local Funds	<u>1,848,993</u>	
	20%	
<b>Total Funds</b>	<b>\$ <u>9,466,343</u></b>	Excludes land purchase \$826,234 (in kind)

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FKAA Spending	\$ 374,678	\$ -	\$ 374,678
Weiler Engineering	107,089	62,276	169,365
Haskell Contract (excl. Escalation Claim)*	1,947,934	6,029,066	7,977,000 *
Haskell Change #7 (AirVac Estimate)	-	191,000	191,000
Sales Tax Credits**	-	(72,000)	(72,000) **
Plant Site Mitigation	-	294,708	294,708
Misc. Construction Expense (contingency)	7,713	92,287	100,000
GSG (incl. Feb-May, 03 Engineering)	50,258	-	50,258
KLWTD Staff Expense (Insp / Mgmt / Legal)	<u>38,874</u>	<u>91,126</u>	<u>130,000</u>
<b>Total Expenses</b>	<b>\$ <u>2,526,546</u></b>	<b>\$ <u>6,688,463</u></b>	<b>\$ <u>9,215,009</u></b>

\*Escalation claim +\$251,152 (\$296,093 - \$44,941 Rovac). \*\*Estimate \$1.2 million Fluidyne, AirVac, generator

**TOTAL PROJECT RECEIPTS TO DATE** **\$ 3,554,137**

# Key Largo Park

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

#### General Comments

#### Federal:

Army Corps.	\$	267,000	Available by September, 2005
		10%	

#### State:

FDEP Grant	1,660,000	\$ 101,466 Advanced
FDEP Grant Amendment 2	187,312	Unused Cesspit Replacement Allocation
DCA Cesspit Grant	107,580	Interlocal amount \$1,225,600 / KLTV \$1,118,020
Subtotal	<u>1,954,892</u>	
	71%	

#### Local:

148 Fund	356,000	FCAA used \$323,393 for Boyle
148 Fund (Cesspits)	100,000	Admin portion Interlocal \$790,000 (See below)
304 Fund (Cesspits)	50,000	Balance Interlocal \$790,000 / KLTV \$640,000
Subtotal	<u>506,000</u>	
	19%	

<b>Total Funds</b>	<b>\$</b>	<b><u>2,727,892</u></b>
--------------------	-----------	-------------------------

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FCAA Spending	\$ 326,000	0 \$	326,000
Weiler Engineering	58,310	41,950	100,260
ADB Contract	0	2,283,385	2,283,385
Haskell Change Order (Eng'g))	66,391	7,376	73,767
Misc. Construction Expense (Contingency)	7,500	142,500	150,000
Government Services Group	18,365	0	18,365
KLWTD Staff Expense (Mgmt / Legal)	8,944	51,056	60,000
<b>Total Expenses</b>	<b>\$ <u>485,510</u></b>	<b>\$ <u>2,526,267</u></b>	<b>\$ <u>3,011,777</u></b>

\*Certain valves (\$ 59,000) and pits (\$ 54,000) included in the KLTV project may be utilized in the KLP project, in which case funding in the total amount of \$ 113,000 would be transferred from the KLTV project to the KLP project.

<b><u>TOTAL PROJECT RECEIPTS TO DATE</u></b>	<b>\$ <u>443,916.00</u></b>
--	-----------------------------

TAB 3

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 5

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT:** \$150,000 Loan with TIB

**RECOMMENDED MOTION/ACTION:** Motion to rescind the District's \$150,000 line of credit with TIB bank.

**Approved by General Manager**

**Date:** 2-24-05

<b>Originating Department:</b> Finance	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b>  None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering____ <input type="checkbox"/> Clerk____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Requested by TIB Bank since the District does not anticipate drawing on the line in the foreseeable future.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised

TABLE 6

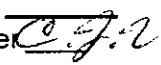

## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 6

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: New TIB NOW AccountRECOMMENDED MOTION/ACTION: Motion to approve opening a new TIB Bank NOW account to hold FEMA matching funds received from the County.Approved by General Manager Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: \$No cost for this account.  Funding Source:  Acct. #	<b>Attachments:</b>  None
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** The District expects to receive County matching funds in the full amount of the FEMA Phase II grant. These funds will be deposited into the new account. Funds will be transferred from the new account into the General Account in amounts identical to State matching funds received. This will facilitate auditing and earn interest for the District.

**Resulting Board Action:**☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised



TAB //

## KEY LARGO WASTEWATER TREATMENT DISTRICT

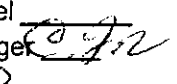

Agenda Request Form

Meeting Date: March 2, 2005

Agenda Item No. 7

☐ PUBLIC HEARING☐ RESOLUTION☐ DISCUSSION☐ BID/RFP AWARD☒ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: County Bond TeamRECOMMENDED MOTION/ACTION: No action requiredApproved by General Manager 

Date: 2-24-05

<b>Originating Department:</b> Finance	Costs: Approximately \$ Funding Source: Acct. #	<b>Attachments</b> Preliminary Plan of Finance
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input checked="" type="checkbox"/> Finance 	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Review of County process as background for on-going District discussions.

Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised



*Marty KL WTD*

## MONROE COUNTY, FLORIDA

### Preliminary Plan of Finance Infrastructure Surtax Bonds, Series 2005

#### INTRODUCTION

Monroe County, Florida, was established in 1823. It is comprised primarily of the Everglades National Park and Florida Keys, which are a string of coral islands extending in a southwesterly arc from Biscayne Bay to the Dry Tortugas. The Florida Keys separate the Atlantic Ocean on the south and the east from the Gulf of Mexico on the north and west, and extend approximately 100 miles south from the United States mainland. The County seat, the City of Key West, located on the southernmost of the Florida Keys, lies 98 miles north of Cuba, approximately 160 miles southwest of Miami and 66 nautical miles north of the Tropic of Cancer. The County's estimated population is 81,140 per the Florida Association of Counties 2004 Directory.

#### I. FINANCING TEAM PARTICIPANTS

<b>Financial Advisor</b>	<i>Public Financial Management, Inc. ("PFM")</i> a consulting firm selected by the County to provide the County with advice in respect to the structure, timing, terms, planning, and other matters concerning the issuance of bonds.
<b>Bond Counsel</b>	<i>Nabors, Giblin &amp; Nickerson, P.A.</i> a law firm selected by the County to deliver an opinion, upon the closing of the bond issue, as to legality of issuance and other legal matters and an opinion as to the tax-exempt nature of the bonds.
<b>Disclosure Counsel</b>	<i>Bryant, Miller and Olive</i> a law firm selected by the County to and to advise the County on legal matters.
<b>Underwriter</b>	<i>To Be Determined</i> an underwriting firm selected by competitive bids for the bonds.

**TAB 8**

## KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

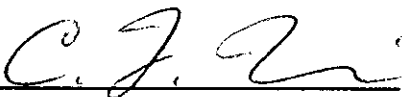
Meeting Date: March 2, 2005


Agenda Item No. 8

☐ PUBLIC HEARING☐ RESOLUTION☒ DISCUSSION☐ BID/RFP AWARD☐ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:SUBJECT: Monthly Status ReportRECOMMENDED MOTION/ACTION: No action required

Approved by General Manager

Date: 2-24-05



<b>Originating Department:</b> Engineering	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Mo. status report
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager  <input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Engineering <u>EC</u> <input type="checkbox"/> Clerk	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

Summary Explanation/Background:Resulting Board Action:☐ Approved☐ Tabled☐ Disapproved☐ Recommendation Revised



*"Excellence in Engineering"*

20020 Veterans Boulevard., Suite 7  
Port Charlotte, FL 33954  
(941) 764-6447 ph  
(941) 764-8915 fax

## **Key Largo Wastewater Treatment District Engineering Status Report Period Ending 02/24/05**

### **Client Issues**

#### **Key Largo Park**

Sealed bids for performing the work in Key Largo Park were obtained from two contractors. These bids were opened, and one was found to be lower than the original bid from DN Higgins. The Board directed Staff to move forward with entering into a contract with ADB, the contractor submitting the lower priced bid. The Board also authorized a mutual termination of the DN Higgins contract.

#### **Key Largo Village**

AirVac completed the reprofiling of the vacuum collection system for Key Largo Trailer Village, with the exception of those pipe lines along US 1 that serve only Key Largo Park. These lines are part of the Haskell contract for the Village, even though they do not serve the Village. AirVac is working on reprofiling the Key Largo Park system at this time.

Fountain Engineering, the subcontractor to DN Higgins, continued working on the vacuum collection system. The bulk of the work in this period was placing the remaining portion of the 10" vacuum main along US 1. In addition, the Fountain crew was trained in assembly and testing of AirVac vacuum pits. An AirVac representative presented this training. It also included a test placement of a vacuum pit in the DN Higgins construction yard.

Work continued on the vacuum vault at the treatment plant site. The bottom slab was poured on February 11<sup>th</sup>. The steel and forms for the walls and the cast-in-place section of the top were placed, and the concrete was poured on February 23<sup>rd</sup>.

### **KLVTreatment Plant**

No work has yet begun on the wastewater treatment plant site other than clearing and grading, fencing and work on the vacuum pump station.

The FDEP permit for the wastewater treatment plant has not been issued as of February 23<sup>rd</sup>. John Armstrong, of the FDEP, spoke with Ted Hortenstine of Brown & Caldwell and indicated that he would sign the approval to process the permit during the week of February 20<sup>th</sup>. The instruction to publish the Notice of Intent to Issue has not yet been received.

According to Will English, Peter Kinsley of The Haskell Company requested approval from the FDEP to proceed with construction at risk until the permit is issued. If approved, this would allow The Haskell Company to begin construction of the WWTP facilities with the understanding that if the permit were denied by FDEP or if modifications to the design were required, The Haskell Company would be responsible for bearing any costs or fines associated with construction of the facility without a permit.

After being informed of Kinsley's request, Ed Castle reminded Will English that as of this date, the final design of the WWTP facilities had not been submitted to the District for review and that signed and sealed construction plans had not yet been produced. He also reminded Will English that corrections and changes to the submitted construction specifications were required and that approved shop drawings had not yet been submitted. These facts were documented in an email following the phone conversation.

### **Lake Surprise Project**

Updated Statements of Qualifications were received from the engineering firms in the District's library of consultants. Weiler Engineering, acting as the District's Engineer and therefore not eligible to submit for this project, prepared a detailed ranking sheet with weighted maximum points for each category of experience. WEC has completed the ranking, reviewing both the original SOQs and the updates for each of the seven firms. The completed ranking sheets have been submitted to the General Manager for review. The General Manager is to recommend a firm for the design of the Lake Surprise project for Board approval.

### **Haskell Pay Applications**

The Haskell pay application for the month of December was received late and was processed for approval at the February 2<sup>nd</sup> Board meeting. The pay application for January was also received and processed late, and will be presented for approval at the March 2<sup>nd</sup> Board meeting.

### **Regulatory Compliance Issues**

As stated in earlier reports, the FDEP approved dewatering at the treatment plant site based on the low levels of petroleum contaminants found in water collected from the excavation. As requested by the FDEP, Staff has collected a sample of the dewatering pump discharge approximately half way through the dewatering process. This sample also showed acceptably low levels of petroleum contaminants. A final sample will be collected at the end of dewatering. After dewatering has been completed, a final report will be provided to the FDEP summarizing the results of all sampling.

### **Project Team Meetings and Actions**

Ed Castle attended the regularly scheduled Board meetings on February 2nd and 16<sup>th</sup>. He also met with KLWTD staff on the 2<sup>nd</sup> and 16<sup>th</sup> prior to the Board meetings. He attended the Construction Progress meeting on February 16<sup>th</sup>.

Ed Castle visited the KLTV work sites for construction observation on the following dates: 1/26, 2/2, 2/9, 2/11, and 2/16. Dan Saus visited the KLTV work sites for construction observation on the following dates: 2/9, 2/11, and 2/22.



7-1  
TAB (9)

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 9

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING                      | <input type="checkbox"/> RESOLUTION     |
| <input type="checkbox"/> DISCUSSION                          | <input type="checkbox"/> BID/RFP AWARD  |
| <input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                              |   |

**SUBJECT:** Sexton Cove / Lake Surprise SOQ

**RECOMMENDED MOTION/ACTION:** The Board approve an engineering firm recommended by staff.

**Approved by General Manager** \_\_\_\_\_  
**Date:** \_\_\_\_\_

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Memo from Charles Fishburn
<b>Department Review:</b> <input type="checkbox"/> District Counsel _____ <input type="checkbox"/> General Manager _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** General Manager Charles Fishburn and Weiler Engineering have reviewed the seven engineering firms under contract with the District and will present their recommendations for the Engineering Firm to design the Lake Surprise/Sexton Cove Project at the meeting.

**Resulting Board Action:**

☐ Approved      ☐ Tabled      ☐ Disapproved      ☐ Recommendation Revised



# Memo

**To:** KLWTD Board Members  
**From:** Charles F. Fishburn, General Manager  
**CC:** File  
**Date:** February 28, 2005  
**Re:** Engineering Firm

---

The KLWTD in June of 2003 selected eight engineering firms to place under contract to provide continuing engineering services for the District on an as-needed basis. These firms were selected from thirteen firms responding to a RFQ put out by the District.

A review process selected eight of the thirteen firms. Weiler Engineering, from the eight firms, was selected to serve as the District's Engineer.

The remaining seven firms are all under contract to the District for "Consulting / Professional Services" none have been used to date.

With the addition of the Lake Surprise/Sexton Cove Project, the Board and Staff considered going out for a new RFQ for the project alone. After discussion the Board directed Staff to update the qualifications of the seven firms in light of the scope of the Lake Surprise/Sexton Cove Project.

All seven eligible firms responded with updates and letters of interest. Staff has reviewed the updated responses and the previous submittals. On advice of Council, Staff has not discussed our rankings to give the Board a recommendation.

Staff proposes to publicly discuss our evaluations and make our recommendation during the public meeting on March 2, 2005.

17  
TAB 10

**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: March 2, 2005

Agenda Item No. 10

☐ PUBLIC HEARING

☐ RESOLUTION

☐ DISCUSSION

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Haskell Change Proposal No. 9 for Key Largo Trailer Village

RECOMMENDED MOTION/ACTION: Approval Change Proposal No. 9

Approved by General Manager C. J. [Signature]

Date: 2-24-05

<b>Originating Department:</b> General Manager	Costs: \$  Funding Source:  Acct. #	<b>Attachments:</b> Change Proposal No. 9
<b>Department Review:</b> <input type="checkbox"/> District Counsel <input checked="" type="checkbox"/> General Manager <u>C. J. [Signature]</u> <input type="checkbox"/> Finance	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Twenty percent of the 21 acre Wastewater Treatment Plant site is available for the Regional Treatment Plant. 2.6 acres has been cleared for the current projects. Staff is recommending clearing an additional 1.5 acres for the Sexton Cove Project. The Change Order covers the clearing; an additional \$180,000 for mitigation will be requested from the County.

**Resulting Board Action:**

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised



THE HASKELL COMPANY

AMERICA'S DESIGN-BUILD LEADER®

Will T. English  
Project Manager

February 24, 2004

Re: Wastewater Management System  
For The Key Largo Trailer Village  
Key Largo, Florida  
Issue 02-030 – Clearing of  
additional 1.5 acres.  
Change Proposal No. 9

Mr. Chuck Fishburn  
KLWTD General Manager  
Post Office Box 491  
Key Largo, Florida 33037

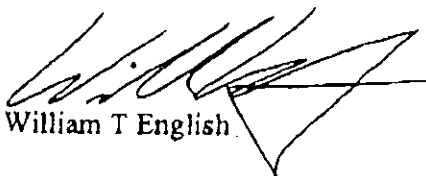
Dear Mr. Fishburn:

As requested by the Key Largo Wastewater Treatment District (KLWTD), The Haskell Company is proposing to provide layout and clearing services for the clearing of approximately 1.5 acres as determined by a sketch prepared by The Weiler Engineering Corporation. As determined by the clearing subcontractor, the mulch generated from native vegetation may be hauled off or may be spread on site depending on needs at the time. No erosion control has been included in this proposal.

**Our total lump sum add for this work is Thirty Nine Thousand Two Hundred Forty Three Dollars and Zero Cents (\$39,243.00).**

Should you have any questions or require further information, please do not hesitate to contact me at (904) 357-4225.

Sincerely,



William T English

Enclosure

cc: Issue File 02-030



4. CONSULTANTS	NAME	DESCRIPTION OF WORK	COST
SUBTOTAL (4)			\$

5. FEE STRUCTURE	NAME	COST	PERCENT	FEE
A. Contractor				
1. Direct Labor:		\$	5%	\$
2. Material and Equipment:		\$	5%	\$
B. Subcontractors:		\$ 36,500.00	5%	\$ 1,825.00
C. Consultants		\$	5%	\$
SUBTOTAL (5)			\$	1,825.00
SUBTOTAL (1-5)			\$	38,325.00
D. Bonds and Insurance			2.385%	\$917.88
TOTAL COST OF THIS CHANGE PROPOSAL (All deductions shown in parentheses)			TOTAL	\$ 39,243

#### EXTENSION OF CONTRACT TIME:

As part of this Change Proposal, the Contractor requests an extension of Contract Time of 0 days.

Justification:

**RECORD DOCUMENTS:** As part of this Change Proposal, the Contractor shall provide applicable record drawing information affected by this change.

Signed: \_\_\_\_\_

Title: Project Director

Date: 11/11/2004

Contractor: The Haskell Company

#### RECOMMENDATION BY ENGINEER: (Forward to Owner for Review)

Signature of Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

#### ACCEPTANCE BY OWNER: (return to engineer for processing)

Signature of Owner's Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
 Engineer to prepare necessary change order \_\_\_\_\_ Engineer to Re-negotiate change proposal as noted above \_\_\_\_\_ Other as above \_\_\_\_\_

OWNER:	CONTRACTOR:	PROJECT:
ENGINEER:	FIELD:	NO.:
	OTHER:	DATE:



# ARBORTECH

**TREE & LANDSCAPE, INC.**

Commercial & Residential Landscaping

(305)852-5180  
(305)852-4394  
P.O. Box 41  
Tavernier, FL 33070

Licensed & Insured

## PROJECT PROPOSAL

Customer Name: The Haskell Company  
Phone/Fax No.: (904)357-4225/(904)357-4282  
Job Location: 100501 Overseas Hwy., Key Largo.

We hereby submit specifications and estimate for:

- \* Clearing of 1.5 acres of land. Please refer to attached survey by Weiler Engineering (page 002).
- \* Removal and on-site mulching (grinding) of all trees and stumps.
- \* Hauling away of pre-existing debris.

At project's end, area will be flat, leveled and clean of foreign debris. Mulch will be left on site in piles.

Proposal Amount \$35,000.00

Date 2/23/05

Payment as follows:  $\frac{1}{2}$  (one half) of total amount down payment and remaining  $\frac{1}{2}$  on job completion.

All material is guaranteed to be as specified. All work is to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 7 days and is void thereafter at the option of the undersigned.

Authorized Signature [Signature]

Date 2-23-5

### Acceptance of Proposal

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_



# Charles Tolton & Associates, Inc.

Land Surveying - Planning - Engineering & Construction Management Services

## ESTIMATE



02.24.05

The Haskell Company  
111 Riverside Ave  
Jacksonville, Florida 32202  
Attn: Will English

Re: KLWWTP

Due Date **ASAP**

### ESTIMATED SURVEY/ENGINEERING COSTS FOR THE ABOVE REFERENCED PROJECT

Calculate new corner positions per faxed sketch.	
2 Man Field Crew to set or find new corners for clearing of property. (1.5 acres more or less)	
P.L.S. overnight and review.	
Lump Sum	\$ 1,500.00

**ESTIMATE** TOTAL \$ 1,500.00  
Page 1 Of 1

This estimate is good for 3 months after above date.

Thank You for considering Charles Tolton & Associates for this project

Charles Tolton, P.L.S.  
President

If this estimate is acceptable, please sign and return.

Authorized Agent/Title

2887 Tamiami Trail East, Suite 5 • Naples, Florida 34112 • (239) 793-6633 • Fax: (239) 793-3905  
email: [cta\\_inc@earthlink.net](mailto:cta_inc@earthlink.net)



KEY LARGO WASTEWATER TREATMENT DISTRICT  
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037  
(305) 451-5105

February 28, 2005

Ms. Sandra L. Mathena  
Director of Internal Audit  
Monroe County Department Of Internal Audit  
P.O. Box 1980  
Key West, FL 33040

Ref: Key Largo Wastewater Projects

Dear Ms. Mathena,

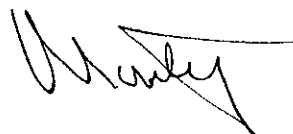
Please find enclosed the information you requested last week regarding our two current wastewater projects, Key Largo Trailer Village and Key Largo Park.

Wastewater service will be provided to the entire island of Key Largo through a series of projects. Elements of one project will set the stage and be utilized in implementing other projects as we develop an island-wide system. For example, the treatment plant and transmission line being installed as part of the Key Largo Trailer Village project will also be used to transport waste to the plant for the Key Largo Park and Calusa Campground projects.

I have taken the liberty of enclosing an EDU Cost Calculation Schedule which outlines our method of calculating Cost/EDU based upon plant utilization, transmission line utilization, and collection system utilization. This spreads costs based upon utilization of all infrastructure elements required to provide service to a particular EDU. We feel this approach is necessary in developing cost/EDU data since it avoids penalizing one project because it has a major treatment plant cost element, or favoring another project because it only consists of installing a collection system which must rely on an existing treatment plant.

Please feel free to call me with any questions at 451-5105, or to contact me by e-mail at [martinwaits@bellsouth.net](mailto:martinwaits@bellsouth.net)

Sincerely yours,



Martin D. Waits  
Finance Officer

**Key Largo Wastewater Treatment District**

**WASTEWATER PROJECTS**

	<b>Key Largo Trailer Village (KLTV)</b>	<b>Key largo Park (KLP)</b>
Budget (FY2005 5-year Plan)	\$9,279,000	\$3,599,000
Expended Through 2/15/05	\$2,526,546	\$485,510
Current Estimated Total Cost	\$9,215,009	\$3,011,777
Units To Be Served (Note 1)	506 EDU's	183 EDU's
Projected EDU Cost (Note 2)	\$13,111 / EDU	\$15,935 / EDU
Estimated Completion Date	Mar, 2006	Mar, 2006
Project Funding Sources (Note 3)		
Federal	5,485,714	267,000
State	2,131,636	1,954,892
Local	1,848,993	506,000
Total Project Funding	<u>\$9,466,343</u>	<u>\$2,727,892</u>

Note 1 Current only. See attached Cost Calculation schedule for build out data.

Note 2 See attached EDU Cost Calculation schedule based upon plant utilization, transmission line utilization, and collection system utilization.

Note 3 See attached Total Project Sources and Uses of Funds schedules for detail.

**Key Largo Wastewater Treatment District**  
**EDU COST CALCULATION SCHEDULE**  
Prepared 02/28/05

	<u>Initial Projects (0.122 MGD Plant)</u>			<u>Future Projects (2.25 MGD Plant)</u>		<u>Total Island of Key Largo</u>
	<u>Key Largo Trailer Village</u>	<u>Key Largo Park</u>	<u>Calusa Campground</u>	<u>Lake Surprise Sexton Cove</u>	<u>Unidentified Projects</u>	
<b>Project EDU's</b>						
Current	506 (1)	183 (2)	367 (3)	2,494	9,450	13,000
Build Out	61	100		100	700	961
<b>Treatment Plant</b>						
Cost (4)	\$4,300,000	\$4,300,000	\$4,300,000	\$19,300,000	\$19,300,000	\$19,300,000
EDU's Served (5)	850	850	850	13,000	13,000	13,000
\$ / EDU	\$5,059	\$5,059	\$5,059	\$1,485	\$1,485	\$1,485
<b>Transmission Line</b>						
Cost	\$1,100,000	\$1,100,000	\$1,100,000	\$6,000,000	\$8,000,000	\$15,100,000
EDU's Served (6)	850	850	850	6,000	6,150	13,000
\$ / EDU	\$1,294	\$1,294	\$1,294	\$1,000	\$1,301	\$1,162
<b>Collection System</b>						
Cost	\$4,115,009	\$2,711,777	\$1,250,000	\$15,000,000	\$78,523,214	\$101,600,000
EDU's Served (7)	567	283	367	2,594	10,150	13,961
\$ / EDU	\$7,258	\$9,582	\$3,406	\$5,783	\$7,582	\$7,277
<b>TOTAL COST / EDU</b>	<b>\$13,611</b>	<b>\$15,935</b>	<b>\$9,759</b>	<b>\$8,268</b>	<b>\$10,368</b>	<b>\$9,924</b>
<b>Memo: Project Cost</b>	<b>\$9,215,009</b>	<b>\$3,011,777</b>	<b>\$1,250,000</b>	<b>\$36,000,000</b>	<b>\$76,523,214</b>	<b>\$136,000,000</b>

**Notes:**

(1) 445 Residential and 61 Commercial EDU's

(2) 183 Residential Only

(3) 367 Residential, but flow estimated to be less than 220 Residential, so plant capacity of 850 EDU's is adequate.

(4) Initial 0.122 MGD plant costing \$4.3 million will be replaced with 2.25 MGD plant costing \$15 million. Total treatment plant investment, including decommissioned plant, when all of Key Largo is served will be \$19.3 million. Initial plant part of Key Largo Trailer Village. Replacement plant part of Lake Surprise/Sexton Cove project.

(5) Plant will serve 1,056 billable EDU's. Calusa Campground flow equates to less than 220 EDU's, so plant capacity of 850 EDU's is adequate.

(6) First transmission line installed as part of Key Largo Trailer village project and serves all Phase I projects. Force main serving entire north half of Key Largo (6,000 EDU's) installed as part of Lake Surprise/Sexton Cove. Main transmission line serving south half of Key Largo (6,150 EDU's) to be installed later.

(7) Based upon total EDU's to be eventually served (current plus build out) since connection lines are being installed to all lots, vacant and improved.

# Key Largo Trailer Village

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

		General Comments
<b>Federal:</b>		
FEMA I (FKAA)	\$ 1,097,143	\$642,590 spent \ \$361,070 held by FKAA
FEMA II	4,388,571	\$2,018,683 advanced
Subtotal Federal Funds	5,485,714	
	57%	
<b>State:</b>		
SFWMD	100,000	Advanced and spent
DCA Cesspit Grant	1,118,020	Interlocal amount \$1,225,600 / KLP \$107,580
DCA (12.5% FEMA I Match-FKAA)	182,187	\$107,098 spent / \$75,759 held by FKAA
DCA (12.5% FEMA II Match)	731,429	\$293,475 advanced
Subtotal State Funds	2,131,636	
	23%	
<b>Local:</b>		
304 Fund (12.5% FEMA I Match-FKAA)	182,857	\$107,098 spent / \$75,759 held by FKAA
304 Fund (12.5% FEMA II Match)	731,428	Monroe County Loan
304 Fund (Cesspits)	640,000	Interlocal amount \$790,000 / KLP \$150,000
Plant Site Mitigation Funding	294,708	
Subtotal Local Funds	1,848,993	
	20%	
<b>Total Funds</b>	<b>\$ 9,466,343</b>	Excludes land purchase \$826,234 (in kind)

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FKAA Spending	\$ 374,678	\$ -	\$ 374,678
Weiler Engineering	107,089	62,276	169,365
Haskell Contract (excl. Escalation Claim)*	1,947,934	6,029,066	7,977,000 *
Haskell Change #7 (AirVac Estimate)	-	191,000	191,000
Sales Tax Credits**	-	(72,000)	(72,000) **
Plant Site Mitigation	-	294,708	294,708
Misc. Construction Expense (contingency)	7,713	92,287	100,000
GSG (incl. Feb-May, 03 Engineering)	50,258	-	50,258
KLWTD Staff Expense (Insp / Mgmt / Legal)	38,874	91,126	130,000
<b>Total Expenses</b>	<b>\$ 2,526,546</b>	<b>\$ 6,688,463</b>	<b>\$ 9,215,009</b>

\*Escalation claim +\$251,152 (\$296,093 - \$44,941 Rovac). \*\*Estimate \$1.2 million Fluidyne, AirVac, generator

**TOTAL PROJECT RECEIPTS TO DATE** **\$ 3,554,137**

# Key Largo Park

## TOTAL PROJECT SOURCES AND USES OF FUNDS

February 15, 2005

### FUNDING COMMITMENT

#### General Comments

#### Federal:

Army Corps.	\$	267,000
		10%

Available by September, 2005

#### State:

FDEP Grant	1,660,000
FDEP Grant Amendment 2	187,312
DCA Cesspit Grant	107,580
Subtotal	<u>1,954,892</u>
	71%

\$ 101,466 Advanced  
Unused Cesspit Replacement Allocation  
Interlocal amount \$1,225,600 / KLTV \$1,118,020

#### Local:

148 Fund	356,000
148 Fund (Cesspits)	100,000
304 Fund (Cesspits)	50,000
Subtotal	<u>506,000</u>
	19%

FCAA used \$323,393 for Boyle  
Admin portion Interlocal \$790,000 (See below)  
Balance Interlocal \$790,000 / KLTV \$640,000

#### Total Funds

**\$ 2,727,892**

### ESTIMATED PROJECT COST

	Billings to 2/15/2005	Estimate To Complete	Est. Total Completed Cost
FCAA Spending	\$ 326,000	0	\$ 326,000
Weiler Engineering	58,310	41,950	100,260
ADB Contract	0	2,283,385	2,283,385
Haskell Change Order (Eng'g))	66,391	7,376	73,767
Misc. Construction Expense (Contingency)	7,500	142,500	150,000
Government Services Group	18,365	0	18,365
KLWTD Staff Expense (Mgmt / Legal)	8,944	51,056	60,000
<b>Total Expenses</b>	<b>\$ <u>485,510</u></b>	<b>\$ <u>2,526,267</u></b>	<b>\$ <u>3,011,777</u></b>

\*Certain valves (\$ 59,000) and pits (\$ 54,000) included in the KLTV project may be utilized in the KLP project, in which case funding in the total amount of \$ 113,000 would be transferred from the KLTV project to the KLP project.

**TOTAL PROJECT RECEIPTS TO DATE**      **\$ 443,916.00**

audit

Phone:  
FAX:  
email:

# *Facsimile*

To: Mr. Martin Waits, Finance Officer  
Fax: 305-852-2477  
From: Sandra L. Mathena, CPA,CIA,CFE  
Director of Internal Audit  
Date: Thursday, February 24, 2005  
Re: Key Largo Wastewater Projects  
Pages: 1. including this

As per our telephone conversation, please provide the following information for the two projects:

1. Budget for each project
2. Expended to date
3. Estimated total cost of each project (All costs of the project including architectural and engineering costs)
4. Number of units to be served (Definition of how number of units to be served is calculated)
5. Projected EDU Costs (Definition of how projected EDU cost is determined )
6. Estimated completion date

We appreciate your help and any additional information will be appreciated. My fax number is 305-295-3681.