August 31st

2005
KEY LARGO WASTEWATER TREATMENT DISTRICT
BOARD OF COMMISSIONERS
AGENDA

Wednesday, August 31, 2005 at 5:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

Charles Brooks                     Chairman
Gary Bauman                        Vice Chairman
Andrew Tobin                       Secretary-Treasurer
Glenn Patton                       Commissioner
Claude Bullock                     Commissioner

Charles F. Fishburn                General Manager
Thomas Dillon                      District Counsel
Carol Walker                       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. PUBLIC HEARINGS
   1. RESOLUTION NUMBER NO. 10-08-05
      A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT
      DISTRICT AMENDING AND RESTATING INITIAL ASSESSMENT
      RESOLUTION (RESOLUTION NO. 08-07-05) RELATING TO THE
      CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION,
TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THERewith; AND PROVIDING AN EFFECTIVE DATE.

2. Proposed Budgets for FY 2006

F. PUBLIC COMMENT

G. COMMISSIONERS ROUND TABLE

H. COMMISSIONER ITEMS

I. BULK ITEMS
3. Airvac Purchase Order for KLP Project
4. Rule Change Log #10
   Article IX Fees And Charges, Section 9.01 System Development Fee (SDC) (16)

J. ACTION ITEMS
5. Board Meeting Minutes of July 20 & Aug. 3, 2005
6. Pending Payments List
7. Rule Log #12
   Article 1 N/A New Section 1.14 Meeting Procedures
8. RESOLUTION 11-08-05
   A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING MONROE COUNTY TO WAIVE ALL PERMITTING FEES FOR BUILDING PERMITS, HEALTH DEPARTMENT PERMITS, AND OTHER PERMITS FOR CONSTRUCTION OF IMPROVEMENTS RELATED TO CONNECTION OF PROPERTIES TO THE KEY LARGO WASTEWATER TREATMENT DISTRICT WASTEWATER MANAGEMENT SYSTEM AND ABANDONMENT OF EXISTING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS IN ORDER TO CONNECT TO DISTRICT FACILITIES

K. DISCUSSION ITEMS
9. $100,000 Loan
10. Form to be used to exclude parcels from assessment

L. STATUS REPORTS
11. Treatment Plant Operator Search
    Proposed "Employee Performance Evaluation"
    DCA Inspection
    MSTU Status

M. ADJOURNMENT
TAB 1
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Aug 31, 2005

Agenda Item No. /

[ ] PUBLIC HEARING
[X] RESOLUTION
[ ] DISCUSSION
[ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM
[ ] CONSENT AGENDA
[ ] Other:

SUBJECT: Resolution No. 10-08-05

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: Approximately $</th>
<th>Attachments: Resolution No. 10-08-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Counsel Thomas Dillon</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
<th>Costs: Approximately $</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Counsel</td>
<td>Engineering</td>
</tr>
<tr>
<td>General Manager</td>
<td>Clerk</td>
</tr>
<tr>
<td>Finance</td>
<td>Funding Source: Acct.</td>
</tr>
</tbody>
</table>

| Advertised: | Yes I have notified everyone__________
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>or</td>
</tr>
<tr>
<td>Paper:</td>
<td>Not Required</td>
</tr>
<tr>
<td>[' '] Not Required</td>
<td></td>
</tr>
</tbody>
</table>

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.

Summary Explanation/Background: Final Assessment Resolution for 2005 District Non-Ad Valorem Assessment for System Development Charges, to be considered after the public hearing.

Resulting Board Action:

☐ Approved
☐ Tabled
☐ Disapproved
☐ Recommendation Revised
RESOLUTION NUMBER NO. 10-08-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING AND RESTATEING INITIAL ASSESSMENT RESOLUTION (RESOLUTION NO. 08-07-05) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District has conducted a public hearing on August 31, 2005 regarding the Initial Assessment Resolution (No. 08-07-05), and has considered the comments received;

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

ARTICLE I
DEFINITIONS AND INTERPRETATION

SECTION 1.01. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

“Adjusted Prepayment Amount” means the amount required to prepay the Assessments for each Tax Parcel against which a non-ad valorem assessment is levied pursuant to this Resolution: (A) following issuance of the Original Obligations as computed pursuant to Section 5.02(A) hereof and revised annually pursuant to Section 5.02(E) hereof, and (B) following issuance of any Refunding Obligations, as computed pursuant to Section 5.01(B) hereof and revised annually pursuant to Section 5.02(E) hereof.

“Annual Assessment Resolution” means the resolution adopted by the District approving an Assessment Roll for a specific Fiscal Year.
"Annual Debt Service Component" means the amount computed for each Tax Parcel pursuant to Section 5.02(A) hereof.

"Assessment" means an annual special assessment imposed against real property within the Assessment Area to fund the Project Cost of Wastewater Management Facilities to serve the Assessment Area and related expenses, computed in the manner described in Section 5.02 hereof.

"Assessment Roll" means a non-ad valorem assessment roll relating to the Project Cost of the District Wastewater Management Facilities.

"Assessment Area" means the proposed initial Wastewater Assessment Area described in Section 4.01 hereof.

"Assessment Coordinator" means the person designated by the District to be responsible for coordinating Assessments, or such person's designee.

"Board" means the Board of Commissioners of the Key Largo Wastewater Treatment District.

"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 the Wastewater Management Facilities, and imposition of the Assessment under generally accepted accounting principals; and including reimbursement to the District for any funds advanced for Capital Cost and interest on any interfund, intrafund, or temporary construction loan for such purposes.

"Collection Cost" means the estimated cost to be incurred by the District during any Fiscal Year in connection with the collection of Assessments including, but not limited to, costs associated with billing and collection, financing charges, and other charges or costs associated with the use of the Uniform Assessment Collection Act.

"Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 5.02(B) hereof.

"District" means the Key Largo Wastewater Treatment District.

"District Borrowing Rate" means the District's weighted average borrowing rate based on the average interest rate of debt instruments issued by the District to fund the Project Cost of the Wastewater Management Facilities which are secured by proceeds of the Assessments.
“District Obligation” means an Original Obligation or Refunding Obligation secured by proceeds of the Assessments.

“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 (whether in a single-unit building or a multiple-unit building) one mobile home, or a recreational vehicle space not regulated under Chapter 513, F.S.

“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.

“Excluded Parcel” means a Tax Parcel that is determined by the District to be property that will not receive a special benefit from construction of the District Wastewater Management Facilities because the property has not been improved, and cannot be improved, with facilities or structures that generate, or might generate, sewage that will be managed by the District Wastewater Management Facilities.

“Final Assessment Resolution” means the resolution that will confirm, modify, or repeal this Resolution and that will be the final proceedings for imposition of Assessments described in this Resolution.

“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 by law as the fiscal year of the District.

“Initial Prepayment Amount” means the amount required for each Tax Parcel as set forth in Exhibit 3.01 hereof to prepay the Assessment in full.

“Laundromat” means a stand-alone laundry business that provides self-service and non-self-service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination. “Laundromat” does not include laundry facilities that are located in or otherwise associated with a hotel, motel, facility regulated under Chapter 513, F.S., or other similar facilities.

“Original Obligations” means that portion of a series of bonds or other evidence of indebtedness, including without limitation notes, commercial paper, capital leases, or any other
obligations issued or incurred to finance the Project Cost of the District Wastewater Management Facilities.

"Preliminary Assessment Roll" means a non-ad valorem assessment roll relating to the Assessment Program described in Section 3.01 hereof.

"Project Cost" means (A) the aggregate Initial Prepayment Amount of all Tax Parcels subject to the Assessment prior to any prepayments, (B) the Transaction Cost associated with the District Obligations attributable to District Wastewater Management Facilities, (C) interest accruing on such District Obligations for such period of time as the District deems appropriate, (D) the debt service reserve fund or account, if any, established for the District Obligations attributable to District Wastewater Management Facilities, and (E) any other costs or expenses related thereto.

"Property Appraiser" means the Monroe County Property Appraiser.

"Refunding Obligations" means a series of bonds or other evidence of indebtedness issued or incurred by the District to refund all or any portion of the Original Obligations or any indebtedness issued to refinance the Original Obligations.

"Resolution" means this initial assessment Resolution.

"State" means the State of Florida.

"Statutory Discount Amount" means the amount computed for each Tax Parcel subject to the Assessments pursuant to Section 5.02(C) hereof.

"System Development Charge" or "SDC" means the District's charge to each owner of property. The SDC is expected to recover approximately 40% of the Capital Costs related to the construction of the Wastewater Management Facilities attributable to the Tax Parcels covered by this Resolution.

"Tax Collector" means the Monroe County Tax Collector.

"Tax Parcel" means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purposes of the levy and collection of ad valorem taxes.

"Transaction Cost" means the costs, fees, and expenses incurred by the District in connection with the issuance and sale of any series of Obligations, including without limitation (A) rating agency and other financing fees; (B) the fees and disbursement of bond counsel and
disclosure counsel, if any; (C) the underwriter’s discount; (D) the fees and disbursements of the District’s financial advisor; (E) the costs of preparing and printing the Obligations; (F) the fees payable in respect of any bond or reserve account insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with the issuance of such Obligations.

“Uniform Assessment Collection Act” means the method of collecting non-ad valorem assessments provided in Chapter 197.3632, Florida Statutes.

“Wastewater Management Facilities” means all facilities acquired, designed, constructed, installed, reconstructed, renewed, or replaced by the District for the purpose of collecting, transporting, and treating wastewater and disposing of the byproducts of such treatment. In general, Wastewater Management Facilities may be characterized as one of three types: collection system, transmission main, and treatment plant.

SECTION 1.02. INTERPRETATION. 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 this Resolution; the term “hereafter” means after the effective date of this Resolution; the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

ARTICLE II
FINDINGS

SECTION 2.01. FINDINGS. It is hereby ascertained, determined, and declared that:

A. Pursuant to the Key Largo Wastewater Treatment District Act (Chapter 2002-337, Florida Statutes) and the Uniform Special District Accountability Act of 1989 (Chapter 189, Florida Statutes), the Key Largo Wastewater Treatment District possesses, among other powers, the powers to:

1. Perform such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the District, including all business facilities necessary and incidental thereto;

2. Adopt resolutions and policies as necessary for implementation, regulation, and enforcement, consistent with the purposes of the District;
Key Largo Wastewater Treatment District  
Final Assessment Resolution  

3. Plan, develop, purchase or otherwise acquire, construct, reconstruct, improve, extend, 
   enlarge, equip, repair, maintain, and operate any wastewater management system and 
   facilities within the territorial limits of the District;

4. Assess and impose ad valorem and non-ad valorem assessments upon the lands in the 
   District, as provided by the Key Largo Wastewater Treatment District Act and the 
   Uniform Assessment Collection Act; and

5. Do all acts or things necessary or convenient to carry out the powers expressly 
   granted in the Key Largo Wastewater Treatment District Act.

B. On or about December 29, 2004, the Board adopted a resolution expressing its intent to 
   use the Uniform Method of Collecting Non-Ad Valorem Assessments.

C. Thereafter, the District entered into written agreements with the Property Appraiser and 
   the Tax Collector in connection with the assessment and collection of non-ad valorem 
   assessments.

D. The District has entered into contracts for the design and construction of Wastewater 
   Management Facilities to serve the District, including the portion of the District 
   described in this Resolution as the Assessment Area, and these Wastewater Management 
   Facilities will be capable of providing wastewater management services in the 2006 
   Fiscal Year.

E. Construction and operation of the Wastewater Management Facilities will provide a 
   special benefit to real property located within the Assessment Area by providing access 
   to the sewer system, eliminating the present need for onsite sewage treatment and 
   disposal facilities on the real property located within the Assessment Area, eliminating 
   existing illegal and inadequate onsite sewage treatment and disposal facilities on the real 
   property located within the Assessment Area, and preventing further pollution of the 
   ground water and surface waters under, on, and adjacent to the real property within the 
   Assessment Area.

F. The Assessment established by this Resolution has been the subject of considerable 
   research into the projected needs of the District for capital funding, the various possible 
   methods of determining the amount of System Development Charges for the 
   apportionment of Capital Costs among the properties to be assessed. Among other 
   things, the Board contracted with Public Resources Management Group, Inc. (“PRMG”)
to conduct a study and make recommendations as to wastewater rates and SDC’s. On or about May 31, 2005, PRMG delivered to the Board the results of its study in a document entitled “Financial Forecast and Wastewater Rate Analysis.” The Board held a public hearing on July 3, 2005 to receive public comments on the proposed wastewater rates and SDC’s.

G. As a result of these efforts, on July 20, 2005, the Board accepted the PRMG recommendations, and adopted a method of calculation of SDC’s to be imposed against real property located within the Assessment Area. The amounts to be collected as SDC’s total about 40% of the Capital Cost of District Wastewater Management Facilities constructed, and to be constructed, by the District and allocated to the Tax Parcels covered by this Resolution.

H. At that time, the Board established a special classification for Laundromats for the purpose of calculating SDC’s. The District determined that, for that purpose only, a Laundromat is to be counted as having one EDU. This determination was based on the Board’s finding that the vast majority of Laundromat customers are either residents of the District or guests at hotels, motels, and other guest accommodations within the District and that the SDC’s to be paid on account of those residences and guest accommodations will be sufficient to provide capacity for sewage generated by Laundromats.

I. The method for calculating SDC’s for residential and non-residential customers is a fair and reasonable apportionment of costs among the properties to be assessed under this Resolution.

J. The use of the Uniform Assessment Collection Act is a convenient and secure method to ensure collection of all SDC’s to be collected by the District. Use of this method will enhance the ability of the District to borrow funds at reasonable rates in order to further develop and expand the Wastewater Management Facilities.

K. The Assessment established by this Resolution is imposed by the District, and not Monroe County. Any activity of the Property Appraiser or Tax Collector in connection with this Resolution and the non-ad valorem assessment shall be solely ministerial.
ARTICLE III
NOTICE AND PUBLIC HEARING

SECTION 3.01. PRELIMINARY ASSESSMENT ROLL. Attached to this Resolution as Exhibit 3.01 is a Preliminary Assessment Roll showing the Tax Parcels to be assessed, and the Initial Prepayment Amount for each Tax Parcel, if paid as a lump sum prior to October 1, 2005, as well as the Assessment to be assessed in November 2005 if the Assessment is not paid as a lump sum prior to October 1, 2005. The estimated Capital Costs to be collected by virtue of this non-ad valorem Assessment, in the approximate amount of $5,054,582.00 represent a portion of the total funds which will be applied, along with grants, other non-ad valorem assessments, the proceeds of District Obligations, and other funds toward construction of Wastewater Management Facilities to be acquired, designed, constructed, installed, reconstructed, renewed, and replaced at a total Capital Cost estimated at $140,000,000. At present, the District has not incurred District Obligations. However, the Board expects to incur District Obligations in Fiscal Year 2006 in the principal sum of $15,000,000, more or less. The Board intends to levy non-ad valorem assessments on Tax Parcels located throughout the District as Wastewater Management Facilities become capable of serving those Tax Parcels.

SECTION 3.02. PUBLIC HEARING. The Board will conduct a public hearing at 5:00 p.m., or as soon thereafter as the matter can be heard, on August 31, 2005, at the District Office located at 98880 Overseas Highway, Key Largo, Florida, to consider:

A. Imposition of Assessments; and
B. Collection of the Assessments under Chapter 197.3632, Florida Statutes.

SECTION 3.03. NOTICE BY PUBLICATION AND BY MAIL. The District Clerk shall publish and mail notices of the public hearing in the manner required by the Uniform Assessment Collection Act not later than August 10, 2005.

ARTICLE IV
GENERAL PROVISIONS WITH RESPECT TO ASSESSMENTS

SECTION 4.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA. The proposed Assessment area shall include the Tax Parcels listed on the Preliminary Assessment Roll. These Tax Parcels are located within the District in or adjacent to the following subdivisions:

A. Key Largo Trailer Village,
B. Key Largo Park, and
C. Sunset Waterways.

In addition, the parcel containing the former Scotty's hardware store at 600 Kay Drive, Key Largo, will be assessed. The parcels to be assessed include only those parcels capable of being served by a collection system located within the road easement adjacent to the parcel. The specific Tax Parcels and the Initial Prepayment Amount for each Tax Parcel, if paid as a lump sum prior to October 1, 2005, as well as the Assessment to be assessed in November 2005 if the Assessment is not paid as a lump sum prior to October 1, 2005, are listed in Exhibit 3.01. The Tax Parcels affected by this Resolution are depicted graphically in Exhibit 4.01.

SECTION 4.02. ASSESSMENTS. Assessments shall be imposed for each Fiscal Year in which any portion of the District Obligations remains outstanding, the amount of which shall be computed in accordance with Sections 5.02(D) and Section 5.02(E) hereof. Upon the adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected by means of the Uniform Assessment Collection Act shall constitute a lien upon the assessed parcels, equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until the ad valorem tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act. The lien shall be deemed perfected upon adoption by the District of the Annual Assessment Resolution and shall attach to the real property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 4.03. INITIAL PREPAYMENT AMOUNT. Upon adoption of the Final Assessment Resolution, the Initial Prepayment Amount for each Tax Parcel will become due. The Initial Prepayment Amount for each Tax Parcel covered by this Resolution is equal to the SDC calculated for that Tax Parcel. The method for calculating SDC's was adopted by the District as Rule 9.01(15) of the District rules, and is summarized as follows:

A. Residential Tax Parcels. For residential wastewater Service, the SDC is the sum of:
   1. $1,700 per Dwelling Unit for wastewater treatment plant capacity, plus
   2. $1,000 per Dwelling Unit for force main – pipe capacity, plus
   3. $2,070 for connection to the wastewater system.
B. **Non-Residential Tax Parcels.** For non-residential wastewater service, the SDC is the sum of:

1. $1,700 per EDU for wastewater treatment plant capacity;
2. $1,000 per EDU for force main – pipe capacity; plus
3. $2,070 or actual cost of connection, whichever is greater, for connection to the wastewater system.

C. **Laundromats.** For purposes of calculating SDC’s, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.

D. **Hotels, Motels, and Facilities regulated under Chapter 513, Florida Statutes.** Wastewater service to hotels, motels, and facilities regulated under Chapter 513, F.S., and other similar facilities is non-residential wastewater service.

E. **Vacant Parcel.** The initial SDC for a vacant Tax Parcel will be the same as the SDC for a Residential Tax Parcel improved with one Dwelling Unit. Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.

F. **Improved Non-Residential Parcel.** For purposes of calculating EDU’s for an improved non-residential parcel other than a Laundromat, the District will use the average of the three highest months in the most recent 3 calendar years of consumption data (in gallons) provided to the District by the Florida Keys Aqueduct Authority. The District will divide the resulting average by 5,010, and round the quotient up to the next one-tenth. In no case will the number of EDU’s assigned to the parcel be less than 1.0.

**SECTION 4.04. INITIAL PREPAYMENT OPTION.** Prior to October 1, 2005, the owner of each Tax Parcel subject to assessment shall be entitled to prepay the Assessment in full, by payment of the Initial Prepayment Amount shown in Exhibit 3.01, hereof. The amount of all prepayments made pursuant to this Section 4.04 shall be final. The District shall not be required to refund any portion of a prepayment.
SECTION 4.05. EXCLUDED PARCELS. The owner of Tax Parcel listed on an Assessment Roll may request that the Tax Parcel be excluded from the Assessment Roll. Such a request shall be made in writing and filed with the District Clerk. The District will consider as grounds for exclusion of a Tax Parcel, any facts that show the Tax Parcel to be an Excluded Parcel, as defined in this Resolution.

A. Typical examples of Excluded Parcels are listed by way of example and not by way of limitation:

1. The Tax Parcel is not improved and cannot be improved consistent with existing zoning regulations or other legal constraints;
2. The Tax Parcel is not improved and cannot be improved due to physical conditions of the property that preclude improvement;
3. The Tax Parcel is a property that has been aggregated with one or more other properties, and the aggregated parcels will receive Wastewater Service as a single aggregated property.

B. Effect of exclusion of a parcel. If the District agrees that a Tax Parcel should be excluded from the Assessment Roll as an Excluded Parcel, the Tax Parcel shall be excluded from the Assessment Roll if all of the owners duly execute a recordable instrument acknowledging that the owners are waiving any obligation of the District to provide Wastewater Service to the Tax Parcel. If the District later provides Wastewater Service to the Tax Parcel for a then-current owner, the then-current owner shall be required to pay to the District an amount fairly representing the special benefit that the Tax Parcel will receive. At a minimum, the amount required to be paid will be equal to the sum of:

1. All annual Assessments that would have been levied against the Tax Parcel pursuant to this Resolution if the Tax Parcel had not been an Excluded Parcel; plus
2. The Adjusted Prepayment Amount due for the Tax Parcel after crediting the principal portions of the annual Assessments calculated under Section 4.05(B)(1); plus
3. The actual direct and indirect costs to the District of providing a connection for the Tax Parcel to the Wastewater Management Facilities.

SECTION 4.06. SUBDIVIDED TAX PARCELS. If any Tax Parcel shown on the Assessment Roll is subdivided after the date of the Final Assessment Resolution, the owner of the resulting subdivided Tax Parcels may make an election designating the resulting Tax Parcel
that is covered by the Final Assessment Resolution. At the time of such election, the owners shall owners execute a recordable instrument acknowledging that they are waiving any obligation of the District to provide Wastewater Service to the resulting Tax Parcels not covered by the Final Assessment Resolution. If the District later provides Wastewater Service to a Tax Parcel not covered by the Final Assessment Resolution at the request of a then-current owner, the then-current owner shall be required to pay to the District an amount fairly representing the special benefit that the Tax Parcel will receive. At a minimum, the amount required to be paid will be equal to the sum of:

A. **Residential Tax Parcels.** For residential wastewater Service, the sum of:
   1. $1,700 per Dwelling Unit for wastewater treatment plant capacity, plus
   2. $1,000 per Dwelling Unit for force main – pipe capacity, plus
   3. $2,070 or actual direct and indirect costs of connection, whichever is greater, for connection to the wastewater system.

B. **Non-Residential Tax Parcels.** For non-residential wastewater service, the SDC is the sum of:
   1. $1,700 per EDU for wastewater treatment plant capacity;
   2. $1,000 per EDU for force main – pipe capacity; plus
   3. $2,070 or actual direct and indirect costs of connection, whichever is greater, for connection to the wastewater system.

C. **Inflation Adjustment.** The dollar amounts calculated under Sections 4.06(A) and 4.06(B) shall increased be adjusted for inflation by applying the rate of interest provided in Section 55.03 F.S., as of the date of calculation. This adjustment is applied to reflect the special benefit received by the property as a result of not having being assessed in this Assessment Resolution.

**SECTION 4.07. INCORRECTLY ASSESSED PARCELS.** The owner of a Tax Parcel listed on an Assessment Roll may request that the Initial Prepayment Amount be revised. Such a request shall be made in writing and filed with the District Clerk. The District will consider as grounds for revision of the Initial Prepayment Amount any facts that show that the Initial Prepayment Amount for the Tax Parcel was computed erroneously. Typical examples of such facts are listed by way of example and not by way of limitation:

A. The Tax Parcel will receive a class of wastewater service that is different from the class of Wastewater Service upon which the Initial Prepayment Amount was computed;
B. The water consumption information used by the District to calculate the Initial Prepayment Amount was erroneous.

SECTION 4.08. PROCEDURES FOR REQUEST FOR REVIEW.

A. Time for Request. The owner of a Tax Parcel who desires the Tax Parcel to be designated as an Excluded Parcel or who desires that the District review the Initial Prepayment Amount must request review within thirty (30) days after the District has mailed notice of the Public Hearing to the that person at the address shown in records of the Property Appraiser. The District may consider an untimely request for review provided the owner demonstrates facts showing that time should be extended. A mailed request for review shall be considered timely if it is postmarked on or before the last day allowed for review.

B. Contents of Request. A request for review must contain:

1. A concise statement of the facts upon which the owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate;

2. The rules, statutes, and other legal authority that the owner contends form the basis for relief;

3. A demand for the relief which the owner believes is appropriate; and

4. Such other information which the owner believes to be material to the request for review.

C. Filing Request. The request for review must be delivered or mailed to the District Clerk. Upon receipt, the District Clerk will log in the request for review.

D. Review by Assessment Coordinator. The Assessment Coordinator will review the request for relief, and will exercise due diligence to issue a recommended decision to the Board within seven (7) Business Days after receipt of a complete request for review. Prior to issuing the recommended decision, the Assessment Coordinator may conduct one or more informal discussions with the owner, and may request additional information and documentation. If requested by the owner, the Assessment Coordinator may extend the time for issuance of a recommended decision in order to consider additional information and documentation. The District Clerk will mail a copy of the recommended decision to the owner at the same time as the recommended decision is submitted to the Board.
E. Board Review. Upon issuance of the recommended decision, the District Clerk will place the recommended decision on the Board agenda for a meeting not less than thirty (30) days after issuance of the recommended decision. Within fifteen (15) days after mailing of the recommended decision, the owner may request that the Board hold a public hearing on the request for review, specifying any disputed facts that the owner considers to be material to the decision. At the meeting at which the Board is scheduled to consider the request for review, the Board may decide to accept or modify the recommended decision, or, if the Board concludes that there are disputed issues of material fact, the Board may schedule a public hearing on the request for review. The Board’s decision to accept or modify the recommended decision, or the Board’s decision on the request for review after a public hearing, shall be the final District action on the request for review.

ARTICLE V
ASSESSMENTS

SECTION 5.01. ADJUSTED PREPAYMENT AMOUNT. Adjusted Prepayment Amounts shall be calculated for each Tax Parcel subject to this Resolution, as follows: the Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 5.02(E) hereof.

SECTION 5.02. COMPUTATION METHOD. The Assessments shall be computed pursuant to the Assessment Program described in this Article V. The Assessments will be imposed for Fiscal Year 2006 and each succeeding Fiscal Year in which any portion of the Assessment Obligations remains outstanding, and will be collected on the ad valorem tax bill in the manner authorized by the Uniform Assessment Collection Act. The annual Assessment shall be computed for each Tax Parcel, other than those Tax Parcels as to which the entire Assessment has been prepaid.

A. Annual Debt Service Component. The “Annual Debt Service Component” shall be calculated for each Fiscal Year in which the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) of the Tax Parcel is outstanding as follows:

1. The Assessment Coordinator shall first calculate an annual interest rate computed as the lesser of (i) the District Borrowing Rate, or (ii) an interest rate equal to eight percent (8%) per year.
2. The Assessment Coordinator shall next calculate the amount of principal due for the Tax Parcel by dividing (i) the Tax Parcel's Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable), by (ii) the number of remaining years the Assessment is payable, which shall initially be for a period of twenty (20) years.

3. The Assessment Coordinator shall then determine the interest payable by multiplying (i) the annual interest rate computed in (1) above, by (ii) the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable.)

4. The Annual Debt Service Component is then calculated as the sum of the amounts determined in (2) and (3) above.

B. Collection Cost Component. The “Collection Cost Component” shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount (or for the initial Assessment Roll, the Initial Prepayment Amount) for such Tax Parcel, by (b) the sum of the aggregate Adjusted Prepayment Amounts (or for the initial Assessment Roll, the aggregate Initial Prepayment Amount of all Tax Parcels, and (2) multiplying the result by the Collection Cost.

C. Statutory Discount Amount. The “Statutory Discount Amount” shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments. Such amount will be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) the factor of 0.96.

D. Annual Assessment. The annual Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Debt Service Component, (2) the Collection Cost Component, and (3) the Statutory Discount Amount.

E. Revision of Adjusted Prepayment Amount. Upon certification of the Assessment Roll for each Fiscal Year, the Adjusted Prepayment Amount for each Tax Parcel shall be recomputed by deducting (1) the principal component of the Annual Debt Service Component determined in Section 5.02(A) above and included on the Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount utilized to compute the annual Assessment included on the Assessment Roll for such Tax Parcel.
SECTION 5.03. OPTIONAL PREPAYMENT.
A. The owner of each Tax Parcel subject to the Assessments shall be deemed to have prepaid all future unpaid Assessments upon payment of an amount equal to the sum of (1) the most recently calculated Adjusted Prepayment Amount for such Tax Parcel, plus (2) the product of (a) the most recently calculated Adjusted Prepayment Amount for such Tax Parcel and (b) the most recently calculated District Borrowing Rate times the number of days elapsed in the calendar year on the date of prepayment, divided by 365.
B. During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the District may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel.
C. The amount of all prepayments made pursuant to this Section 5.03 shall be final. The District shall not be required to refund any portion of a prepayment.

SECTION 5.04. MANDATORY PREPAYMENT.
A. The owner of a Tax Parcel subject to the Assessment shall immediately prepay all future unpaid annual Assessment for such Tax Parcel if (1) the Tax Parcel is acquired by a public entity (other than the District) through condemnation, negotiated sale, or otherwise, or (2) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the District, at its sole option, elects to accelerate the Assessment.
B. The amount required to prepay the future unpaid annual Assessments will be calculated in the same manner as the amount calculated under Section 5.03(A) hereof.
C. During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the District may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel.
D. The amount of all prepayments made pursuant to this Section 5.04 shall be final. The District shall not be required to refund any portion of a prepayment.
ARTICLE VI
GENERAL PROVISIONS

SECTION 6.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

SECTION 6.03. SEVERABILITY. If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 6.04. CONFLICT. In the event that any portion of this Resolution, or application thereof, conflicts with any State or federal law, such State or federal law shall prevail.

SECTION 6.05. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption by the District.

[INTENTIONALLY LEFT BLANK]
Key Largo Wastewater Treatment District
Final Assessment Resolution

The foregoing RESOLUTION NO. 10-08-05 was offered by Commissioner ___________,
who moved its approval. The motion was seconded by Commissioner ___________,
and being put to a vote the result was as follows:

<table>
<thead>
<tr>
<th>Commissioner/Government Official</th>
<th>AYE</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared Resolution No. 10-08-05 duly passed and adopted the 31st day of August 2005.

KEY LARGO WASTEWATER TREATMENT
DISTRICT GOVERNING BOARD

By ___________________________________________________________________
Charles Brooks, Chairman

Attest: ___________________________________________________________________
Approved as to form and content:

By ___________________________________________________________________
Carol Walker, Board Clerk

By ___________________________________________________________________
District Counsel
Exhibit 3.01. Preliminary Assessment Roll
Exhibit 4.01. Tax Parcel Maps
TAB 2
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005
Agenda Item No. 2

[X] PUBLIC HEARING
[ ] DISCUSSION
[ ] GENERAL APPROVAL OF ITEM
[ ] STATUS REPORT

[ ] RESOLUTION
[ ] BID/RFP AWARD
[ ] CONSENT AGENDA

SUBJECT: Proposed FY 2006 Budget

RECOMMENDED MOTION/ACTION: None

Approved by General Manager
Date: 9-25-05

<table>
<thead>
<tr>
<th>Originating Department: Finance</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding Source:</td>
</tr>
<tr>
<td></td>
<td>Acct. #</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] District Counsel</td>
</tr>
<tr>
<td>[x] General Manager</td>
</tr>
<tr>
<td>[ ] Finance</td>
</tr>
</tbody>
</table>

| Engineering |
| Clerk |

| Advertised: |
| Date: |
| Paper: |
| [ ] 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: A Preliminary FY 2006 Operating Budget was presented to the Board on August 3, and then reviewed a second time in conjunction with presentation of a Preliminary FY 2006 Capital Budget on August 17.

Changes incorporated as a result of those reviews are outlined in an attached memo. This final Proposed FY Capital and Operating Budget is presented for final review and public comment before adoption of a FY 2006 Budget on September 7.
Memo

To: Board of Commissioners

From: Marty Waits

Date: 08/25/05

Re: Proposed FY 2006 Budgets

Commissioners,

The District's proposed Operating Budget and Capital Budget for FY 2006 are attached for your review and are being presented for public comment.

The following changes to the Preliminary Budgets presented at your meeting on August 17th have been incorporated in these Proposed Budgets:

- Provision for a retirement program has been eliminated, reducing budgeted expenses by $27,650.

- The pool for salary adjustments has been increased from $16,750 to $25,000.

- Compensation for the new position Customer Service Clerk has been increased from $13.50/hr to $20.00/hr, and the hire date has been moved ahead from July 1st to January 1st. This results in a net budget increase (including benefits) of $28,536.

- Workers compensation has been increased modestly from $10,890 to $12,440 after discussion with FMIT. The dramatic increases discussed as a possibility at the August 17th meeting were the result of errors in classification of two staff positions.

- Liability insurance premiums have been increased from $16,500 to $37,000 for budget purposes, as was discussed at the August 17th meeting. Discussions are continuing with FMIT.

- After reflecting all increases and decreases, budgeted operating expenses have increased by the net amount of $31,186, from $845,291 to $876,477.

[Signature]
Key Largo Wastewater Treatment District

Proposed FY 2006 Operating Budget

<table>
<thead>
<tr>
<th>OPERATING REVENUE</th>
<th>Proposed Budget</th>
<th>OPERATING EXPENSES (Continued)</th>
<th>Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Service Revenue</td>
<td>$ 297,792</td>
<td>System Operating Expenses</td>
<td></td>
</tr>
<tr>
<td>MSTU Revenue</td>
<td>598,993</td>
<td>Operating Payroll</td>
<td>61,167</td>
</tr>
<tr>
<td>Interest Income</td>
<td>2,500</td>
<td>Payroll Taxes</td>
<td>4,679</td>
</tr>
<tr>
<td>Miscellaneous Income</td>
<td>3,000</td>
<td>Health Insurance</td>
<td>7,952</td>
</tr>
<tr>
<td><strong>Subtotal Operating Revenue</strong></td>
<td><strong>902,285</strong></td>
<td>Workers Comp Insurance</td>
<td>3,500</td>
</tr>
<tr>
<td>NON-OPERATING REVENUE</td>
<td></td>
<td>Property Insurance</td>
<td>16,000</td>
</tr>
<tr>
<td>System Development Fees</td>
<td>405,450</td>
<td>Vehicle Expense</td>
<td>10,130</td>
</tr>
<tr>
<td>Non Ad valorem Assessments</td>
<td>167,040</td>
<td>Electric</td>
<td>24,500</td>
</tr>
<tr>
<td>Interest income</td>
<td>2,110</td>
<td>Water</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Subtotal Non-Operating Revenue</strong></td>
<td><strong>572,490</strong></td>
<td>Chemicals</td>
<td>8,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$1,474,775</strong></td>
<td>Sludge Hauling</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supplies</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lab Services</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Start-Up Expenses</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Repairs and Maintenance</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Miscellaneous Expenses</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Sub-total System Operating Expenses</strong></td>
<td><strong>210,928</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPERATING EXPENSES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Expenses</td>
<td></td>
</tr>
<tr>
<td>Board Meeting Compensation</td>
<td>45,000</td>
</tr>
<tr>
<td>Administrative Payroll</td>
<td>217,300</td>
</tr>
<tr>
<td>Payroll Taxes</td>
<td>20,066</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>28,249</td>
</tr>
<tr>
<td>Workers Comp Insurance</td>
<td>9,996</td>
</tr>
<tr>
<td>Billing Service</td>
<td>17,000</td>
</tr>
<tr>
<td>Copier Expense</td>
<td>3,500</td>
</tr>
<tr>
<td>Postage/Delivery Expense</td>
<td>5,500</td>
</tr>
<tr>
<td>Liability Insurance</td>
<td>37,000</td>
</tr>
<tr>
<td>Property Insurance</td>
<td>1,400</td>
</tr>
<tr>
<td>Legal Advertisements</td>
<td>7,000</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>10,000</td>
</tr>
<tr>
<td>Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>Rents &amp; Leases</td>
<td>29,400</td>
</tr>
<tr>
<td>Electric</td>
<td>3,360</td>
</tr>
<tr>
<td>Water</td>
<td>700</td>
</tr>
<tr>
<td>Telephone</td>
<td>7,200</td>
</tr>
<tr>
<td>Dues &amp; Subscriptions</td>
<td>700</td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>5,000</td>
</tr>
<tr>
<td>Bad Debts</td>
<td>2,978</td>
</tr>
<tr>
<td>Reserve for Contingencies</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>Sub-total Administrative Expenses</strong></td>
<td><strong>457,549</strong></td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td><strong>$ 876,477</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NON-OPERATING EXPENSES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditures from Operating Account</td>
<td>7,000</td>
</tr>
<tr>
<td>Renewal and Replacement Transfer</td>
<td>14,890</td>
</tr>
<tr>
<td>Debt Service Transfer (Monroe County $100,000 Loan)</td>
<td>109,273</td>
</tr>
<tr>
<td><strong>Total Non-Operating Expenses Paid From Operating Revenue</strong></td>
<td><strong>131,163</strong></td>
</tr>
<tr>
<td>Transfer To (From) Operating Reserve</td>
<td>(105,354)</td>
</tr>
<tr>
<td>Transfer To (From) Capital Reserve</td>
<td>572,490</td>
</tr>
<tr>
<td><strong>Total Non-Operating Expenses Paid From Non-Operating Revenue</strong></td>
<td><strong>467,136</strong></td>
</tr>
<tr>
<td><strong>Total Non-Operating Expenses</strong></td>
<td><strong>$ 598,299</strong></td>
</tr>
</tbody>
</table>

**TOTAL EXPENSES** | **$1,474,775**

Prepared: 8/23/2005
# Key Largo Wastewater Treatment District

## Proposed FY 2006 Capital Improvement Program

($ in thousands)

<table>
<thead>
<tr>
<th></th>
<th>Key Largo Trailer Village</th>
<th>Key Largo Park</th>
<th>Calusa Campground</th>
<th>North Components</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue (Sources of Funds):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State and Local Grants</td>
<td>$ 1,768</td>
<td>$ 1,601</td>
<td></td>
<td>$ 8,505</td>
<td>$ 3,369</td>
</tr>
<tr>
<td>System Development Fees</td>
<td>-</td>
<td>$ 371</td>
<td></td>
<td></td>
<td>$ 371</td>
</tr>
<tr>
<td>Non Ad valorem Assessments</td>
<td>-</td>
<td>$ 167</td>
<td>$ 34</td>
<td></td>
<td>$ 201</td>
</tr>
<tr>
<td>County Infrastructure Bonds</td>
<td>-</td>
<td>-</td>
<td></td>
<td>$ 8,505</td>
<td>$ 8,505</td>
</tr>
<tr>
<td>State Revolving Fund Loan</td>
<td>-</td>
<td>-</td>
<td></td>
<td>$ 100</td>
<td>$ 100</td>
</tr>
<tr>
<td><strong>New Funding</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 1,101</td>
</tr>
<tr>
<td><strong>Total Funds Available</strong></td>
<td>$ 1,768</td>
<td>$ 2,139</td>
<td>$ 1,135</td>
<td>$ 8,605</td>
<td>$ 13,647</td>
</tr>
</tbody>
</table>

### Expenses (Uses of Funds):

#### Construction of New Facilities:

<table>
<thead>
<tr>
<th></th>
<th>Key Largo Trailer Village</th>
<th>Key Largo Park</th>
<th>Calusa Campground</th>
<th>North Components</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>$ 15</td>
<td>$ 15</td>
<td>$ 100</td>
<td>$ 1,770</td>
<td>$ 1,900</td>
</tr>
<tr>
<td>Mitigation</td>
<td>295</td>
<td>-</td>
<td></td>
<td></td>
<td>295</td>
</tr>
<tr>
<td>Waste Treatment</td>
<td>959</td>
<td>-</td>
<td></td>
<td>$ 1,900</td>
<td>$ 2,859</td>
</tr>
<tr>
<td>Transmission Lines</td>
<td>100</td>
<td>100</td>
<td></td>
<td>$ 4,900</td>
<td>$ 5,100</td>
</tr>
<tr>
<td>Collection Systems</td>
<td>300</td>
<td>1,978</td>
<td>1,000</td>
<td></td>
<td>$ 3,278</td>
</tr>
<tr>
<td>Project Management</td>
<td>99</td>
<td>46</td>
<td>35</td>
<td>35</td>
<td>215</td>
</tr>
<tr>
<td><strong>Total Estimated Expenses</strong></td>
<td>$ 1,768</td>
<td>$ 2,139</td>
<td>$ 1,135</td>
<td>$ 8,605</td>
<td>$ 13,647</td>
</tr>
</tbody>
</table>
Meeting Date: August 31, 2005  
Agenda Item No. 3

[ ] PUBLIC HEARING  
[ ] RESOLUTION  
[ ] DISCUSSION  
[ ] BID/RFP AWARD  
[X] GENERAL APPROVAL OF ITEM  
[ ] CONSENT AGENDA  
[ ] Other:

SUBJECT: Purchase Order for KLP Project

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager  
Date: 9-25-05

<table>
<thead>
<tr>
<th>Originating Department: General Manager</th>
<th>Costs: Approximately $97,000</th>
<th>Funding Source: Grant</th>
<th>Attachments: Purchase Order</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Acct. #</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review: General Manager</th>
<th>Engineering</th>
<th>Clerk</th>
<th>Advertised:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ]</td>
<td>[ ]</td>
<td>Date:</td>
</tr>
<tr>
<td></td>
<td>District Counsel</td>
<td>Clerk</td>
<td>Paper:</td>
</tr>
<tr>
<td></td>
<td>General Manager</td>
<td>Clerk</td>
<td>[X] Not Required</td>
</tr>
<tr>
<td></td>
<td>Finance</td>
<td>Clerk</td>
<td></td>
</tr>
</tbody>
</table>

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 has already direct purchased 29 Airvac pits for the KLP Project. Eighteen pits are also being transferred from the KLTV project to the KLP project. This purchase order is for the purchase of a truckload (41) of the “new” style Airvac Pits. This will bring the total pits available for the KLP Project to 88 pits. The project is projected to use 100 pits.

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
Key Largo Wastewater Treatment District (KLWTD)
Purchase Order

Original
P.O. No: KLTV-003
Page 1 of 5

<table>
<thead>
<tr>
<th>Vendor: AIRVAC, INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 Tower Drive, Suite A</td>
</tr>
<tr>
<td>Oldsmar, FL 34677</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Name/Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Largo Wastewater</td>
</tr>
<tr>
<td>Treatment Plant</td>
</tr>
<tr>
<td>100501 Overseas Highway</td>
</tr>
<tr>
<td>Key Largo, Florida 33037</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 19, 2005</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost Code: 02010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Phone No.: (305)453-5804</td>
</tr>
<tr>
<td>Project Fax No.: (305)453-5807</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Terms:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shipment To (Jobsite):</td>
</tr>
<tr>
<td>Key Largo Wastewater</td>
</tr>
<tr>
<td>Treatment District</td>
</tr>
<tr>
<td>69 Atlantic Drive</td>
</tr>
<tr>
<td>Key Largo, Florida 33037</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bill To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Largo Wastewater</td>
</tr>
<tr>
<td>Treatment District</td>
</tr>
<tr>
<td>98880 Overseas Highway</td>
</tr>
<tr>
<td>P.O. Box 491</td>
</tr>
<tr>
<td>Key Largo, FL 33037</td>
</tr>
</tbody>
</table>

Attention: Ron White
Vendor Phone No.: (813)855-6297
Vendor Fax No.: (813)855-9093

This Purchase Order is made by and between The Key Largo Wastewater Treatment District (“Purchaser”), and the Vendor (“Vendor”) named above. Vendor agrees to supply the following materials subject to the Terms and Conditions herein, and described below: Vacuum Sewer Collection System

ALL FOR THE LUMP SUM AMOUNT OF $96,697.00

A. SCHEDULE OF VALUES:

<table>
<thead>
<tr>
<th>Cost Code</th>
<th>Description</th>
<th>Original Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>02010</td>
<td>41 Valve Pits (5' Deep) One piece valve pits</td>
<td>$48,544.00</td>
</tr>
<tr>
<td>02010</td>
<td>41 3&quot; Vacuum Valves</td>
<td>$34,440.00</td>
</tr>
<tr>
<td>02010</td>
<td>41 Internal sump breathers with sensor pipes</td>
<td>$6,765.00</td>
</tr>
<tr>
<td>02010</td>
<td>41 Flex Connectors</td>
<td>$3,198.00</td>
</tr>
<tr>
<td>02010</td>
<td>1 Freight for Valve Pits</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>02010</td>
<td>TOTAL</td>
<td>$96,697.00</td>
</tr>
</tbody>
</table>

B. EXCLUSIONS:

This Purchase Order excludes the following items:
- 01. Installation
- 02. Unloading
- 03. State and Local Sales Tax
- 04. Permits or other Fees

C. CLARIFICATIONS AND GENERAL NOTES:

C.1 Vacuum sewer collection system equipment specifically included, but is not limited to the following:

Distribution: ☐ Vendor, ☐ Acknowledgment, ☐ Job, ☐ Accounting, ☐ P.M Book ☐ Office, ☐ Office P.O.
Rev: 8/19/2005
C.2.1   ITEM #1   Valve Pit 5' deep.

1 – One Piece Valve pit.
1 – U-shapped gasket for use on top of the valve pit under ring of cover.
1 - 3” suction pipe with gasket already installed.
3 – 6” AIRVAC grommets for use with Sch 40 or SDR 21 PVC gravity piping from building to Sump.

Net Price, Valve Pits 5’ deep One Piece Valve pit
Quantity Required: 41 $48,544.00

$1,184.00 Each

C.2.2   ITEM #2   AIRVAC 3” ‘F’ model valve.

1 – AIRVAC 3” ‘F’ model valve.

Net Price, Valve
Quantity Required: 41 $34,440.00

$ 840.00 Each

C.2.3   ITEM #3   Sump Breather/Sensor Pipe

1 – Sump Breather/Sensor pipe unit and installation parts bag.

Net Price, Sump Breather/Sensor pipe
Quantity Required: 41 $3,198.00

$ 165.00 Each

D2.4   ITEM #4:   AIRVAC Flexible Service Lateral 8’-2” long

Net Price, Flex Connector
Quantity Required: 41 $3,198.00

$ 78.00 Each

D2.5   ITEM #5:   Freight to jobsite.

Net Price, Per truck load
Quantity Required: 1 $3,750.00

$3,750.00 Each

D.3   All material shall be available for on-site delivery by September 30, 2005.

D.4   Payment Terms shall be as follows:
10% - Upon receipt of all approved shop drawings.
90% - Billable upon on-site receipt of approved material.
D. SUBMITTALS:
Unless otherwise noted in Clarifications, Vendor shall submit to Purchaser for approval four (4) copies of shop drawings, manufacturer’s product data and samples, as referenced in the specifications with two weeks of receipt of execute Purchase Order. Provide three (3) complete sets of installations/erection drawings with the material when delivered.

E. CHANGES:
Changes to this Purchase Order that require an adjustment in the Purchase Order amount must be approved by Purchaser’s General Manager and must be incorporated by a Purchase Order Modification.

F. DELIVERIES:
1. Notification: Provide 48-hour notification to Purchaser.

2. Acceptance: Materials delivered and offloaded cannot be accepted without written verification (signature of receipt) of an authorized Purchaser representative on the delivery ticket. COD deliveries will not be accepted.

3. Delivery Hours: Do not attempt deliveries after 2:00 p.m., local time, during normal workdays, Monday through Friday. Weekend deliveries require approval by the Project Superintendent prior to delivery.

4. Delivery Schedule: Shipment of the Valve Pits shall occur before September 31, 2005 in order to maintain pricing as quoted.

GENERAL TERMS AND CONDITIONS

1. Acceptance. The acknowledgment copy of this Purchase Order must be signed and returned to The Key Largo Wastewater Treatment District (“Purchaser”), P.O. Box 491, Key Largo, FL 33037 by the Vendor before undertaking manufacture or delivery.

2. Deliveries. Purchaser’s completion schedules are based upon the agreement that materials will be delivered to Purchaser by the date specified. Time is therefore of the essence of this Purchase Order. If Vendor defaults in delivery of goods, Purchaser may cancel this Purchase Order, purchase similar goods and materials from any other person, and hold Vendor accountable for any damages.

3. Price. The Purchase Order price includes the delivery of all materials F.O.B. Jobsite. Freight, cartage, boxing and packing are prepaid. The price also includes all applicable federal state and local taxes.

4. Payment. Invoices will be paid within the time permitted under the Florida Prompt Payment Act, Fla. Stat. § 218.74. The payment due date is 45 days after the date on which a proper invoice is received by the Purchaser’s Finance Officer after approval by the Purchaser’s Board of Commissioners. In addition, payment may be delayed because of delays in the receipt of federal funds or federal approvals. C.O.D. shipments will not be accepted.
5. Inspection and Warranty.

(a) All goods shall be received subject to Purchaser's right of inspection and rejection. Defective goods or goods not in accordance with this Purchase Order will be held for Vendor's instruction at Vendor's risk, and if Vendor directs, will be returned at Vendor's expense. If inspection discloses that part of the goods received are not in accordance with this Purchase Order, Purchaser shall have the right to cancel any unshipped portion of the order. Payment for goods on this Purchase Order prior to inspection shall not constitute acceptance thereof and is without prejudice to any and all claims that Purchaser may have against Vendor.

(b) Vendor expressly warrants that all materials and articles covered by this Purchase Order or other specification furnished by Purchaser will be in exact accordance with such order, or specification, and free from defects in materials and workmanship. Such warranty shall survive delivery and shall not be deemed waived either by reason of Purchaser's acceptance of such materials or articles or by payment for them. Vendor agrees to repair, replace, or make good any defects or faults resulting from defective material or manufacture that may appear within one year after acceptance of goods.

6. Miscellaneous.

(a) The Purchase Order number, project name and location must be shown on each package, packing slip, and invoice. Invoices shall be rendered in duplicate.

(b) The specific quantity ordered must be delivered in full and not be changed without Purchaser's consent in writing. Any unauthorized quantity is subject to Purchaser's rejection and return at Vendor's expense.

(c) Vendor agrees that the goods shipped to Purchaser under this Purchase Order will be produced in compliance with the Fair Labor Standards Act.

(d) In the event of any proceedings, voluntary or involuntary, in bankruptcy or insolvency by or against Vendor, or in the event of the appointment with or without Vendor's consent of an assignee for the benefit of creditors or of a receiver, then Purchaser shall be entitled to cancel any unfulfilled part of this Purchase Order without any liability whatsoever.

(e) Any specifications, drawings, notes, instructions, engineering notices, or technical data referred to in this Purchase Order shall be deemed to be incorporated herein by reference as if fully set forth. In case of any discrepancies or questions, Vendor shall refer to Purchaser for decisions or instructions or for interpretation.

(f) If requested by Purchaser, Vendor shall furnish Purchaser within ten (10) days of request complete information regarding sources of supply for all purchased materials required for its performance under this Purchase Order, including names and addresses of sources, responsible persons representing sources, and purchase order and shipping data; provided, however, that Vendor shall not be required hereunder to release information concerning prices or costs of such purchased materials.

(g) If delivery hereunder is made by the vehicle or conveyance of Vendor or its carrier, Vendor shall be responsible for any injury or damages to persons or property resulting from the operation of said vehicles while on the premises of Purchaser or the site of delivery.

(h) This Purchase Order may not be assigned by Vendor without Purchaser's written consent. This Purchase Order and the documents specifically incorporated herein by reference represent the entire agreement between the Purchaser and Vendor and supersede prior negotiations, representations, or agreements either written or oral. Terms and Conditions of proposals, quotations, delivery tickets, invoices, work orders and other similar items, unless specifically made a part of this Purchase Order shall not be applicable. This Purchase Order may be amended only by a Purchase Order Modification signed by both parties.
(i) This Purchase Order shall be construed according to the laws of the state of Florida, and the Vendor expressly consents to the jurisdiction of any court of competent jurisdiction located in Monroe County, Florida. In the event litigation arises out of this Purchase Order contract, the expenses and the costs of same, including reasonable attorneys' fees, incurred by the prevailing party shall be paid or reimbursed by the non-prevailing party, including attorney's fees on appeal.

<table>
<thead>
<tr>
<th>Vendor Acceptance</th>
<th>Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIRVAC, Inc.</td>
<td>KEY LARGO WASTEWATER TREATMENT DISTRICT</td>
</tr>
<tr>
<td>P.O. Box 528</td>
<td></td>
</tr>
<tr>
<td>4217 N. Old US 31</td>
<td>By: Charles F. Fishburn, General Manager</td>
</tr>
<tr>
<td>Rochester, IN 46975</td>
<td>P.O. Box 491</td>
</tr>
<tr>
<td></td>
<td>Key Largo, FL 33037</td>
</tr>
<tr>
<td></td>
<td>E-Mail Address: <a href="mailto:cffishburn@aol.com">cffishburn@aol.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>By:</td>
<td>E-Mail Address:</td>
</tr>
<tr>
<td>Ron White</td>
<td></td>
</tr>
<tr>
<td>200 Tower Drive</td>
<td></td>
</tr>
<tr>
<td>Oldsmar, FL 34677</td>
<td></td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:ronw@airvac.com">ronw@airvac.com</a></td>
<td></td>
</tr>
</tbody>
</table>

Please return signed original and acknowledgment copy of contract to With a copy to
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Aug 31, 2005
Agenda Item No.: 4

[ ] PUBLIC HEARING
[ ] RESOLUTION
[ ] DISCUSSION
[ ] BID/RFP AWARD
[X] GENERAL APPROVAL OF ITEM
[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Rule Log #10
Article IX Fees & Charges, Section 9.01 System Development Fee (SDC) (16)

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department: Commissioner Patton</th>
<th>Costs: $</th>
<th>Attachments: Rules &amp; Regulations change # 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Source:</td>
<td>Acct. #</td>
<td>Advertised: Date: ____________ Paper: ____________</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[X] Not Required</td>
</tr>
<tr>
<td>Department Review:</td>
<td>[ ] Engineering____</td>
<td>Yes I have notified everyone__________ or</td>
</tr>
<tr>
<td></td>
<td>[ ] Clerk____</td>
<td>Not applicable in this case____________</td>
</tr>
<tr>
<td></td>
<td>[ ] Finance____</td>
<td>Please initial one.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

Summary Explanation/Background: This rule change addresses vacant parcels.

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
Rules & Regulations Change Form

Date: June 29, 2005
Rule Change Log # 10

Agenda item # ______________ Aug 3, 2005 Discussion _________ Action

Present Rule: KLWTD

Article IX  Fees and Charges

Section 9.01 System Development Fee (SDC) (16) Non-existent

(16) SDC for unimproved residential parcel - Non-existent

Glenn, 9.01(16) is already used. Tom

Proposed Rule or Change

Article IX  Fees and Charges

Section 9.01 System Development Charge (SDC) (15)(vi)

(vi) The initial SDC for a vacant parcel will be the same as the SDC for a residential parcel improved with one Dwelling Unit. Upon development of the parcel, the District may revise the SDC to reflect actual permitted construction.
Financial Impact of Proposed Rule or Change

Submitted by Commissioner Glenn Patton

KLWTD Com Glenn Patton - In my opinion, the PRMG Report has established a reasonable and fair System Development Charge for owners of unimproved parcels of land.

The KLWTD SDC rate is consistent with other SDC's in Monroe Co. Also, the total cost of providing a Wastewater system per EDU is $10,000+, so the residential properties are getting a major improvement for less than 50% of the actual capital cost of the improvement.

PRMG – KLWTD Report May 31, 2005  Pate 4-7

The cost per EDU for the KLWTD collection facilities is estimated at $11,236 per connection. This amount is also based in large part on project cost estimates that are not contracted as of the date of this report. For the Key Largo Trailer Village and Key Largo Park projects, currently under contract, the cost is approximately $8,000 per connection, including vacant lots (which may or may not be developable). Excluding vacant lots, the cost of these current collection projects is approximately $9,900 per connection. Since it is envisioned that a system-wide extension charge for the entire KLWTD system is implemented, it is necessary to rely on the system-wide cost estimate for the entire collection system. After applying known grants, including a $20.0 million contribution expected from Monroe County bond proceeds, the adjusted collection system cost per equivalent connection is approximately $7,650.

People Most Effected by Proposed Rule or Change
In the R&R, the K LWTD has established the right to extent wastewater services to unimproved parcels that is in the best interest of the District.

**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:

**General Impact of Proposed Rule or Change**

The following is a direct quote from the PRMG Report page 4-9...

**Assessment program**

To avoid burdening new customers with a large upfront payment of the combined system development charges, the KLWTD has expressed interest in developing a twenty-year assessment program. At each customer's discretion, in lieu of the upfront system development charges, an annual non-ad valorem assessment would be charged through the Monroe County Property Appraiser and billed as part of the annual property tax bill. Based on the estimated cost of borrowed funds for KLWTD, the annual assessment for a typical single-family residential customer would be approximately $348.00 per year over a twenty-year period as calculated below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity Charge</td>
<td>$2,700</td>
</tr>
<tr>
<td>Extension Charge</td>
<td>2,070</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,770</strong></td>
</tr>
<tr>
<td>Annual Amortization [1]</td>
<td>$328.08</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$334.64</strong></td>
</tr>
<tr>
<td><strong>Total Annual Assessment Before</strong></td>
<td><strong>$348.03</strong></td>
</tr>
<tr>
<td>Discount</td>
<td></td>
</tr>
<tr>
<td><strong>Assessment Amount per Month</strong></td>
<td><strong>$29.00</strong></td>
</tr>
</tbody>
</table>

[1] Based on 20 year amortization at 3.25% annual interest rate.
[3] Amount reflects inclusion of 4.0% to account for property owners paying tax bill early and receiving 4.0% discount.
Therefore, the monthly cost of the total system development charges for a typical single-family residential customer would be approximately $29.00 per month over twenty years.

**Legal Considerations – input by District Counsel**
I have revised the suggested revision to Section 9.02(15)(vi), and to make it consistent with the remainder of the SDC provision.

**KWLTD Managers – Recommendation and Rationale**

Date
KWLTD Board Action

Approved Proposed Rules

With the following amendments:

Vote
C. Brooks
G. Bauman
A. Tobin
C. Bullock
G. Patton
**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

**Meeting Date:** Aug 31, 2005  
**Agenda Item No:** 5

- [ ] PUBLIC HEARING  
- [ ] DISCUSSION  
- [X] GENERAL APPROVAL OF ITEM  
- [ ] RESOLUTION  
- [ ] BID/RFP AWARD  
- [ ] CONSENT AGENDA  
- [ ] Other:

**SUBJECT:** Minutes of July 20 & Aug. 3, 2005 Board Meetings

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

**Approved by General Manager**

**Date:** 9-25-05

---

| **Originating Department:** Board Clerk | **Costs:** Approximately $0  
**Funding Source:**  
**Acct. #** | **Attachments:** Minutes of 7.20.05 & 8.03.05 meetings  
**Department Review:**  
- [ ] District Counsel  
- [X] General Manager
- [ ] Finance  
**[ ] Engineering**  
**[ ] Clerk**  

| **Advertised:**  
**Date:**  
**Paper:**  
[X] 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 Commissioners Meeting

July 20, 2005
98880 Overseas Hwy, Key Largo, FL

The KLWTD Board of Commissioners met for a regular meeting on July 20, 2005 at 5:04 PM. Present were Chairman Charles Brooks, Commissioners, Glenn Patton, Gary Bauman, Andrew Tobin and Claude Bullock. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District staff.

Chairman Brooks led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA.

The following changes were made to the agenda: Commissioner Bullock requested an item concerning a letter to Haskell dealing with keeping the District informed on permitting matters be added to the agenda. Chairman Brooks requested that the CPH Work Authorization be moved to the front of the agenda. Commissioner Tobin requested that Rule Change Log 4 and 5 be moved to come after the CPH item. District Counsel Thomas Dillon requested that a proposal from Neighbors, Giblin and Nickerson and an item setting a public hearing for August 31 be add to the action items.

The Board approved the agenda as amended by consensus.

PUBLIC COMMENT: The following persons addressed the Commission: Pat Gessel, 99530 Overseas Hwy, #2, Key Largo requested that the agenda packages be placed on the website before the meetings.

COMMISSIONER’S ROUNDTABLE
No comments

COMMISSIONER’S ITEMS
No items

ACTION ITEMS
CPH Work Authorization, Sexton Cove Transmission Lines
General Manager Charles Fishburn reported that the Sexton Cove/Lake Surprise force main work authorization for CPH Engineers has been finalized between Staff & CPH Engineers. Staff recommends approval of this work authorization.

Terry Zaudtke, P.E. of CPH was present.

Commissioner Bullock wanted to know if the aerial issue was going to be separate from the current work authorization to CPH. Mr. Fishburn stated that it was a separate issue.

Commissioner Bullock requested that in the future he would like the District to require the contractor to submit at least three different quotes for the work that is to be done by subcontractors.

Commissioner Bauman asked who the project engineer will be. Mr. Zaudtke stated that he will be the project manager and David Miller will be the project engineer. They will be in Key Largo every month.

There was discussion on the pros and cons for having current aerials done. Commissioner Tobin suggested that CPH may want to check with the FKAA for aerials.

**Motion:** Commissioner Tobin made a motion to approve the CPH Work Authorization for the Lake Surprise/Sexton Cove Transmission Lines. The motion was seconded by Commissioner Bullock.

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

*Rule Change Log #4, Article IX Fees and Charges. Section 9.01 System Development Fee*

Chairman Brooks: Do I hear a motion to approve for discussion.

**Motion:** Commissioner Bullock made a motion to approve Rule Change Log #4. The motion was seconded by Commissioner Patton.
Commissioner Bauman: I got real concerned last week when we were talking about this in terms of contingency costs. I got the impression that we figure out what the cost is going to be and then add 15% to that. Is that about right?

General Manager Charles Fishburn: Yes

Commissioner Bauman: I got to thinking what if we don’t need that 15%. What if we manage the project properly to budget and to cost. How much extra would that be to the homeowner of Key Largo. It takes the total cost of the project from $140 million down to $119 million. That is 85% of 140. All right. If you run that number then through PRMG’s schedule the individual resident cost goes down by almost $100. It goes down to $3852 and you can check my arithmetic I am not sure if I got it exactly right. But certainly it is going to go down at least 15%. To me that is charging homeowner’s an extra hundred dollars, I’m sorry a thousand dollars. Charging homeowners an extra $1,000 because we either can’t manage the project correctly or we do manage properly and we don’t need their extra $1,000. In fact we may even manage it better than a 15% contingency which would me we would have even more money in our pockets and out of the pockets of homeowners. And I wanted to just bring that analysis to the Board a little bit just automatically adding 15% contingency to me does not seem like the prudent thing to do. We used the word prudent a lot last week. I don’t think that it is prudent to charge an extra $1,000 when what we need to do is manage the project to budget and to cost. That is my commit.

Commissioner Tobin: Can I follow up with that.

Yes sir. (Not identifiable)

Commissioner Tobin: I am not sure I understand what you are saying Gary. The guts of tonight’s meeting is whether we are going to go along with the 4770 that has been recommended by PRMG. Ah you are basically saying that that’s about 900 dollars, you have a calculator you ah

Chairman Brooks: You have one in front of you.

Commissioner Patton: It is $715.00

Commissioner Tobin: $715. So are you thinking that $4,000 is the number it that what your are proposing. Is that something that you

Commissioner Bauman: A round number yes. I guess that I am not proposing a number per say. What I want to do is take that 15% out of the total project cost and put the burden on staff and contractors to meet the new, what I am calling the new cost of the project which would be $119 million.

Commissioner Tobin: I have just a point of order. Is there anyone from the public here on rates before we get into this or how are we going to manage this.
Chairman Brooks: We had public comment and I don’t

Commissioner Tobin: But in terms of a particular agenda item are we going to have public comment on this particular item.

Chairman Brooks: I thought we had a whole public meeting on this the last time.

Board Clerk Carol Walker: I did not receive any speaking cards on it.

Commissioner Tobin: I have been sort of a proponent to try and get this number down as well. And every time I have tried to do it whether it was with Tony or Chuck or Marty there was resistance because staff is trying to forecast what is going to happen a year from now or 2 years or 3 years and then the next project and this being a precedence for setting rates. Tony told us last week that this number 4770 represents that we are getting outside funding of 60% that is 40% that this 4770 is roughly the 40% that is not funded by outside grants. So depending whether you are looking at it from the top or the bottom or the side it is a moving target and all estimates. I want to do everything possible to bring this number down with out putting an impossible burden on staff that they don’t have the ability to defend our plan when they go to the State of Florida to borrow money. In other words we have to have a not prudent but a financially realistic plan that has to pass muster with the accountants, and the bureaucrats, and everybody else. So I would personally be interested in getting staffs defense of your comment that this 15% contingency ought to come out. That is what I would like to see a defense of that.

Commissioner Bauman: I would like to hear that myself.

Commissioner Tobin: With the permission of the Chair could we get staff to defend that one point.

Chairman Brooks: Well, if you are asking, we discussed that at the last meeting, in quite detail but before we get something from staff lets get more input from fellow Commissioners. Mr. Patton

Commissioner Andrew Tobin: Can I respond to that Charlie? We are on a particular item that Gary has brought up and

Chairman Brooks: And I want to hear what Mr. Patton has to say on that particular item. And Mr. Bullock.

Commissioner Andrew Tobin: Ok, Ok so we ok good. So we are just limiting the debate at this point to Gary’s one point.

Chairman Brooks: That is correct.

Commissioner Andrew Tobin: OK, I’m sorry I did not understand your ruling.
Commissioner Patton: Basically to me there is no doubt that the long-range goal of this Board should be to build a sewer system for the entire island. And in doing so if you take the total cost that has been estimated, which I think is a reasonable cost of $12,000 or around that area per EDU I think that is still a major bargain for the citizens of Key Largo. I mean, it is. I think a major goal that is an important, important issue especially when Marathon is getting bids of $18,000 and this is what I am talking about over the next ten years. I don’t think that there is a 15% maybe theoretically a 15% contingency in $4700 I don’t, don’t see it. I see that that is a reasonable cost for the individual homeowner with in Key Largo to expend because basically they are getting an improvement to of $10, 000 to $12,000 per dwelling unit, per home in Key Largo. And I think it is a very important to look long range it is just like in the Herald the other day I mean the Lake Okeechobee and Saint Lucie River was completely inundated by lack of management of the water resources and the guy bought water front property and by the time he finally got it, it was not worth anything because the river was no longer what he thought that it was going to be. So I think that we have to really look at this in long-term issue and I think that we cannot afford to not go ahead and look at this in a long-term situation. Basically for $4770 I think that, that is very reasonable, when it is financed over on a non ad-valorem tax assessment it is still very reasonable at $248 a year, $29 a month. Well you pay that for to take your garbage out and dispose of your garbage, well I think that we can do that for our poop as well and deal with it in a reasonable manner and take care of it appropriately. And $4700 I do not think is to much and I think the other issue that has major important for us is to look forward to were we are going to get the next 50 million dollars that is going to compose the 60% grant money for the rest of the island.

Commissioner Bauman: Can I respond to that.

Chairman Brooks: No

Commissioner Bauman: Yes I can.

Chairman Brooks: No you can’t.

Commissioner Bauman: I’m going to.

Chairman Brooks: No

Commissioner Bauman: If it is 119 million dollars Glenn then we only need 39 million dollars of grant money to hit the 60%.

Commissioner Patton: From everything that I have been looking at construction cost have been going up not down.

Commissioner Bauman: I believe that was taken into consideration.
Chairman Brooks: Gentlemen if I can I am trying to go across the table and if we want we can come back with rebuttal time. But I would like, Glenn had the floor, I would like for him to complete.

Commissioner Patton: I am basically finished. I would approve the $4770, I don’t have, the only issue that I had in there was there was a slight change in the residential wastewater service consisting of 6 units or fewer units. I think Tom. I am done other than that question.

Commissioner Bullock: I think that I expressed this at one of the last meetings One of the things that

Commissioner Andrew Tobin: Mr. Chairman could I have a point of order.

Chairman Brooks: I am trying to get around the table here.

Commissioner Tobin: I do not understand why Glenn can’t, wouldn’t allow, me to ask a question, now you will not allow Commissioner Patton to ask a question. I don’t understand why we can’t ask questions of

Chairman Brooks: Commissioner Patton has given his opinion on the subject of contingency fees. Now I am trying to get

Commission Tobin: So discussion is one way we get to speak but we don’t get to give any answers.

Chairman Brooks: We are going to go around again and you can have a rebuttal.

Commissioner Tobin: I don’t want a rebuttal, I want answers. You just asked a question, why can’t his question be answered. Why can’t my question be answered. I don’t understand your ruling.

Chairman Brooks: I don’t understand why you keep giving me such a hard time when I’m trying to maintain some kind of order.

Commissioner Tobin: Order is you know, that’s your definition of order that we can’t ask questions I can’t live with that.

Chairman Brooks: Well neither can I.

Commissioner Bauman: And neither can I. We got to have discussion.

Chairman Brooks: Alright Board, what do you want to do? We have a motion on the floor now we are bring up a procedural on the Chair. So does the Board wish to bring about debate between Board members without the Chair involvement? Let me hear a vote.
Commissioner Tobin: Yes

Commissioner Patton: I think that everybody is suppose the address the Chair and go through the Chair as I understand it.

Commissioner Bullock: I think that they should go through the Chair.

Commissioner Bauman: That is not the way we ever, ever, have done it in the past.

Chairman Brooks: So your position is defeated because I am the Chair and I agree with Mr. Patton and Claude. So your point of order is not in order. Claude would you like to give me an opinion and give the Board an opinion on how you feel about the issue.

Commissioner Bullock: My feeling on contingencies is that I had 34 years of experience working with contractors and every time we put together a project we used nothing less than 10% and in some cases we were required when we were dealing with federal funds federal funding, to add a 20% contingency and even though we thought that the project would come in at a 100,000 we had to make it 120,000 in order to get the bonding or the monies because the federal government says that we just know that if a project runs 1 year, 2 year, 3 year term the cost are going to go up nothing is cheaper tomorrow than it is today. And with that philosophy if you stick your head in the sand and say that you are not going to wind up spending that money just doesn’t make sense to me. What you wind up doing is you are going to sit here at the end and you are going to need that 10 or 15 percent and where are you going to pull it from? If you don’t have a federal grant what are you going to do, walk back to the community and say hey community we goofed up and didn’t properly plan this because we didn’t put a contingency in here when we should have. And so it is incumbent upon us to let the community know that yes there is a contingency in there but it is for your protection as well as ours. Because other wise we are going to be back here hitting you for another rate increase to cover it in the future. I am strongly opposed to deleting contingencies out of a program that you are developing. So that’s my comment on it.

Chairman Brooks: So now we will go one more round on a rebuttal unless the Board feels that we need to do an additional round on the issue, and the motion is to accept the $4770 here as specified in Rule Change Log #4. And I will start with you Mr. Tobin.

Commissioner Tobin: An addition round of rebuttal.

Chairman Brooks: Yes you wanted to rebut what Mr. Patton said.

Commissioner Tobin: No, I didn’t want to rebut what they said I was just hoping that we could get some staff input on Gary’s question and then there was a second question which is the, way that this is structured for residential wastewater for a facility consisting of six or fewer dwelling units and then we have sub 2 which is residential waste service to a facility consisting of seven or more dwelling units. I tell you what I was looking for
in tonight's resolution was a little, bit really clarification on a vote that would define a residential unit. I don't think that it is helpful to say six or more residential units when we haven't defined a residential unit. I would like to have a definition of a residential unit to be a single family home is one unit, a duplex is two units, a RV and then define first for purposes of tonight's resolution so that the Board can go forward with whether we decide at 4770 or 4500 or what ever that number is I would be looking for and I have already drafted that is what is was doing inside Carol's office is trying to come up with a resolution and I'm I'll just read this now so you guys can see were I'm heading. And it is not at all conclusive resolution. But this is really what I was looking for. WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District are required to set rates;

Whereas the Board employed PRMG to study and put in what PRMG has studied.

Whereas PRMG has recommended the following rates; I would like to get that broken down, the 1700 the treatment plant capacity charge, the force main charge, and the connection charge depending on what those ultimate numbers are.

Whereas the recommended rates are predicated on outside grants and funding from sources other than the District, in the approximate amount of 32 million dollars which is approximately 60% of the capital costs needed to develop a waste water facility, distribution line, and collection system from Mile Marker x to Mile Marker y (we would define the scope);

Whereas the District Manager has carefully and thoroughly reviewed the PRMG rate study, and recommends approval;

Whereas the District Financial Officer has carefully and thoroughly reviewed the PRMG rate study and recommends approval;

Whereas the District finds that the recommended rates are fair and equitable considering a) the actual construction cost is in excess of $10,000 per home, b) homeowners will have the option to pay the fee (whatever we decide to call it) over 20 years at a minimum interest rate; and c) that the agencies of the Federal and State government will pay the fee for those who qualify as low and very low income residents;

Whereas the District considered the testimony of interested persons at three public hearings held on July x, x, and x, 2005, *

I also think that the six or more six or fewer six or fewer or seven or more doesn't really fit with what we are doing right now so I would looking for a modified resolution that defines that we are setting a rate for a residential unit defined as what we decide to do tonight. So we have a comprehensive resolution that is addresses the lynch pin the most important piece of our project. That is personally what I would to see this resolution be formulated.

Chairman Brooks: OK are you done.

Commissioner Tobin: Yes

Chairman Brooks: Gary

Commissioner Bauman: Yes a couple of points, Glenn I agree that 4770 is fair I just think that 3852 is fairer. And if that is what the numbers say it is, that is what it is. Ah,
and to me just adding contingencies on top of what is already a planned document, especially when you are getting the monies from the homeowners of Key Largo who we represent is not fair. We should figure out what the numbers are to the best of our ability we charge Key Largo their share and then we manage that project to meet those cost and meet those dates in our plan. And to say I am going to add and extra $800 on everyone’s bill I don’t think is the way to go about this. So I would like every body to really consider, I need some staff input where the SRF in front of me in fact contingency on 15% being in there. But I would like the Board to just consider that you are taking money out of people’s pockets. The numbers don’t show that, I sorry they don’t show that.

Chairman Brooks: Glenn would you like another round.

Commissioner Patton: The only comment that I have at this point is that I would like to amend, we have a motion on they floor, and I would like to motion to consider scratch on line I under fifteen consisting of 6 or fewer dwelling units.

Chairman Brooks: Where is that?

Commissioner Patton: In the rule.

Chairman Brooks: I have the rule here.

Commissioner Patton: Right.

Chairman Brooks: OK

Commissioner Patton: Basically in my point of view it should read for residential wastewater service to a facility. Residential wastewater service period. The sum of. On number 2 rather ii down below, for residential wastewater service to a facility consisting for seven or more units, scratch all of that begin the sentence at non-residential water service the sum of. Because you have basically residential service if there are 6 or more units and all those 6 are on 1 connection they are still going to get a break on the connection fee because they are only connecting 1 making 1 connection so they only pay potentially $2070. If there is a 6 plex. Understand what I am saying.

Chairman Brooks: OK

Commissioner Patton: They would pay the 1700 and the 1000 for the pipe and the treatment plant as far as the capacity but if they were a 6 plex they would pay one connection fee. OK. The same would go, then we get into non-residential wastewater treatment any they would pay capacity for both the force main, and the waste plant, and also if it was the Marriot they pay the one connection fee or the actual cost. They have to build a lift station there or whatever they have to do. What ever that cost would be. So I thing that it is equitable on the connection but to lump residential back into commercial and then start computing residential how many EDU’s there are I think that it would
become very confusing. So that is my recommendation. Do you understand where I am going.

Commissioner Tobin: I do not see the difference between i and ii. You are saying that if you go above x number of dwelling units then you are changing them to a non-residential.

Commissioner Patton: A residential unit. A hotel is not a residential unit. It is commercial.

Commissioner Tobin: I understand that but it seems like ii is a residential wastewater service of seven or more units you now have shifted to a commercial rate.

Commissioner Patton: No I did not. What I suggested was that we scratch all of this up to this point a non-residential is based upon EDU’s.

Commissioner Tobin: OK so you are scratching

Commissioner Patton: All that up to this point. OK all to here, non-residential is based upon EDU, residential is based upon dwelling unit.

Commissioner Tobin: OK so 6 or more

Commissioner Patton: It doesn’t matter. It is residential.

Commissioner Tobin: OK I understand. Thank you.

Chairman Brooks: Claude do you understand? It got confusing didn’t it. Gary.

Commissioner Bauman: I have no clue to what they are talking about. Can you cross out on my page the same way you did his?

Commissioner Patton: Sure.

Chairman Brooks: How about let’s give him five or six copies of this change.

General Manager Charles Fishburn: Just mark up one copy Glenn and she can run copies.

Commissioner Patton: OK

Chairman Brooks: Glenn has the copy.

Commissioner Patton: Because the point being is residential is based upon a dwelling unit and non-residential would be based strictly upon EDU’s and the calculation of what an EDU is and I do not want to confuse the two. Whether you are 6 or more units.
Chairman Brooks: OK, I am trying to figure out how to handle this. We have two issues we are dealing with. One is contingency and the other one is an amendment to Log 4 and I have with held some comments that I am going to try to recall. Some of the comments that Mr. Tobin made about the defining an EDU. I would like to remind the Board the way I see this if I am correct. We are making one change on only one section within the Rules and Regulations period. And the definitions of the EDU is further in the Rules and Regulations. And I correct in my interpretation of this?

Commissioner Patton: Correct yes.

Chairman Brooks: Do you agree with me Gary?

Commissioner Bauman: Do I agree with what?

Chairman Brooks: That the definition of an EDU is in another section of which we are not addressing tonight. Claude. OK.

Commissioner Tobin: You have misquoted me, my question; my statement was that I wanted a definition of residential units.

Chairman Brooks: Well first of all I have the floor.

Commissioner Tobin: No I understand, may I just make a correction to your misquote of me.

Chairman Brooks: I don’t know I thought that I had the floor. If I could finish my point I was not quoting you.

Commissioner Tobin: If you want to quote me incorrectly go right ahead.

Chairman Brooks: Ok ah, so my interpretation was that we were talking about this EDU definition here that it was mentioned along with this resolution, put to us at the last minute and if we are going to consider it I think we need to have it duly put on the agenda and that would break our rule to make a decision on the rates tonight by changing the structure totally. And this includes what I believe what I heard here, and I am not quoting anybody. But it brings up other issues within the Rules and Regulations. I would like to see us conclude this resolution that we have before us now. Either accept it, delete it, amend it, but get some sort of conclusion tonight. We have other issues that are coming up that are related to this. Ah, so my question would be the, what is the word I am looking for, the contingency out of the way. Do you wish to make an amendment to the motion which I think is not related here on contingency?

Commissioner Bauman: Do I want to make a

Chairman Brooks: Ya, your are very strong on contingency and I don’t see where that is involved in this number but you seem to have some mathematics that you can reduce
the number by reducing the contingency. So you’re I’m assuming what you’re suggesting is that you would amend the amount of 4770 to some figure.
Commissioner Bauman: Right, 3852.

Chairman Brooks: Do you wish to make an amendment to the motion?
Commissioner Bauman: AHHH, yes absolutely why wouldn’t I?
Chairman Brooks: Is there a second.

Board Clerk Carol Walker: Mr. Chairman he did not make the motion. I have Commissioner Bullock making the motion.

Chairman Brooks: First of all we got into a discussion on contingencies; the we got into a discussion of changing the EDU’s.

Board Clerk Walker: The only motion I have is to approve Rule Change Log #4 and only the maker of the motion can amend his motion which is Commissioner Bullock and you are asking Commissioner Bauman to amend his motion.

District Counsel Thomas Dillon: Mr. Chairman Commissioner Bauman can make a motion with a second to amend the resolution.

Chairman Brooks: That is what I though. Do you care to make that motion?
Commissioner Bauman: I certainly do care.

Chairman Brooks: What is your motion?
Commissioner Bauman: To amend the previous motion by changing the capacity charge and extension charge for residential users to be $3852.00.

Commissioner Tobin: I will second for discussion.

Chairman Brooks: All right let’s have discussion. Go ahead Mr. Tobin you have the floor.

Commissioner Tobin: Thank you. First of all I want to clarify your misquote.

Chairman Brooks: Now wait a minute this is, this is on the contingency, ok.

Commissioner Tobin: So I cannot correct your I just want to make sure I understand your ruling Charlie because it is fascinating to sit here and watch you be the Chairman. Your ruling is I cannot point out a misquote that you made earlier in your speech.
Chairman Brooks: The quote was not on the contingency and we are discussing the contingency and you wish to support Mr. Bauman’s motion to change the I’m sorry not contingency any more to change to 4770 to 3852.

Commissioner Tobin: Charlie what I wanted to do is remind you that there was a time that you were a minority, you had a minority position that you wanted to have USBF and I was the Chairman at that point

Chairman Brooks: Now you are out of order. I’m sorry you are out of order.

Commissioner Tobin: and I deferred so you could speak your mind for a good hour because you felt very strongly about something. There was no pre-conditions or anything else. And I think what you are doing here is you’re button hoking I’m hoping that this Board is

Chairman Brooks: Ok I’m gong to take rule you out of order. I am going to ask the Board are we on the subject of amending the 4770 to 3700 and I want a vote now.

(Some one in the audience made a statement about wanting to speak if possible.) (Not very audible.)

Chairman Brooks: We are not having public comment this is the Board.

(Person in audience said that something about having public discussion at a public meeting.)

Chairman Brooks: We have Board members that made a motion to amend the 4770 to 3700.

Commissioner Tobin: I guess my comment is, what are they voting on now Charlie? What is your ruling?

Chairman Brooks: I have asked the Board for support that we maintain the conversation to the ah motion to amend 4770 or 3770 period.

Commissioner Tobin: Well part of the discussion is

Chairman Brooks: It has nothing to do with whether I quoted you something or whether I misstated anything.

Commissioner Tobin: I am not on that anymore. It’s just my comment was that I’m hoping the Board can have a discussion and come to a consensus and it is very difficult to do that with these strict parliamentary button holes of you can’t do this because you didn’t get this. Why can’t we just have a debate, try, and come up with a number that we are all comfortable with.
Chairman Brooks: Does the Board want to take a vote on this issue?

Commissioner Patton: The motion is on the floor.

Chairman Brooks: The motion is on the floor for 3700 dollars.

Commissioner Bauman: I would like to hear the public comment.

Chairman Brooks: Would the Board like to hear comment from public comment? Do I hear a motion?

Commissioner Bullock: A motion on a motion.

Chairman Brooks: No this is not a motion on a motion, I know it is somewhat out of order we have a motion while we have a motion in place and we are not allowed to do that.

Commissioner Patton: I think at this time it is the Boards issue is to at the last meeting we held extensive public input and I think we need to go forward to resolve and finalize this role.

Chairman Brooks: Claude

Commissioner Bullock: I concur.

Chairman Brooks: And I concur. So keep the comments to whether or not we are going to do the 3700.

Commission Tobin: I have a comment.

Chairman Brooks: If that is what you are going to comment on.

Commissioner Tobin: No I wanted to comment on public discussion. You let Claude and Glenn comment on it how come I can’t comment on it?

Chairman Brooks: Go ahead.

Commissioner Tobin: I think that we should have allowed public comment on this rule at the time we were going to have it and then we should have public comment at some point before we take a final vote. I don’t think it is appropriate to have public comment in the middle of a motion. But I do think that we should allow public comment before we take a final vote. That is my comment.

Chairman Brooks: All right we have a motion on the floor to change the amount of money from 4770 to 3700 on, I’m sorry 3852 on rule change log 4. Let’s have a vote.
<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bauman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bullock</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Patton</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Andrew Tobin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Charles</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Brooks</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion did not pass 1 to 4

Chairman Brooks: All right so the motion on the floor still stands for accepting rule change log 4 at 4700 as specified in our agenda item number 7.

Commissioner Patton: Mr. Chairman, as I said earlier I lined out what I thought this rule should be amended to and I would like to proffer that to the man who made the motion. And if he would amend his motion and I would like to call for a vote on this.

District Counsel Thomas Dillon: Mr. Chairman I would really like to help you with this if I could be heard.

Chairman Brooks: You have the floor Tom.

District Counsel Thomas Dillon: On this issue I am not going to discuss whether is should be 6 or fewer or 7 or more. But in order to make this work the change should be in that first line it should say for residential service to a facility the sum of and in each of the 1 and 2 the words per dwelling unit should be taken out otherwise your charge would get greater because it is based on dwelling units other than facilities. So my recommendation if

Commissioner Patton: Repeat that now

District Counsel Thomas Dillon: In line I reinsert the words “to a facility” so it says for residential wastewater service to a facility, the sum of and then in line number one under that strike the words “per dwelling unit” and in line number two strike the words “per dwelling unit”. I believe that is what your intent is. So for any residential building you’ll come out with 4770.

Commissioner Patton: Wrong, as far if it was a 4 plex each one of the units in the 4 plex would pay the 1700 and the 1000 per dwelling unit.

District Counsel Thomas Dillon: Then I am mistaken I misunderstood what you were trying to do, ok.
Commissioner Patton: So I don’t need “to a facility” in there then.

District Counsel Thomas Dillon: I think you still do because otherwise it is not clear what it is for.

Commissioner Patton: For a residential wastewater service to a facility the sum of 1700 per dwelling unit.

District Counsel Thomas Dillon: OK I understand what you are saying.

Commissioner Patton: If it was a 6 plex or a 4 plex and one pipe came out to the street we would charge them 2070 to connect up if it was one pipe and the pit could handle the facility.

District Counsel Thomas Dillon: I misunderstood your discussion. I though that you were saying that it would be 4770 whether it was a 4 plex or that not being the case you still need “to a facility”.

Commissioner Patton: Then I amend my motion to put the in “to a facility” in there.

Commissioner Tobin: Where would that go?

Commissioner Patton: It just stays in there instead of crossing it out.
District Counsel Thomas Dillon: It would say for residential wastewater service to a facility, strike “consisting of 6 or fewer dwelling units”. I guess you are making that a friendly amendment with the consent of the motion maker.

Commissioner Patton: Correct.

Board Clerk, Carol Walker: Could I have verification, are you changing line ii at all.

Commissioner Patton: Yes, line ii is to strike all the way up to and through and four. It would begin ii with a non-residential wastewater service the sum.

Commissioner Tobin: I would like to offer a friendly amendment if I may. I would like to see whatever rate that we pass tonight I would like it supported in a formal resolution similar to the resolution that I read out so that it is clear, the history, the pains that we have gone through to come up with that rate.

Chairman Brooks: Go ahead Mr. Patton

Commissioner Patton: May I make a suggestion. The appropriate format would be for at the next meeting Commissioner Tobin to finalize his resolution and bring it to the Board as a commissioner’s item for discussion. And if every body reviews it and has time to do their homework in it can make the appropriate recommendations and we can discuss it as a discussion item and then approve it at the next meeting. I don’t see anything wrong
with having a resolution that clarifies why we make a rule. That supports our rates. But the procedure would be to finalize it as good as you could do it with Council’s input.

Commissioner Tobin: Just so you know I had asked Chuck to come up with it and he had run out of time. So I just put together a brief format because I know that setting a rate is the most important thing that we do and it ought to be by separate resolution.

Commissioner Patton: I agree but as, and this item tonight I think is kind of premature to discuss or identify a full blown resolution and we can come back as an commissioner’s item and support our rates with a resolution.

Commissioner Tobin: I am not going to spend any more time on this. I am going to give this if the Board thinks that a resolution similar to what I read is appropriate I’d like to give staff direction to just come back with something that is in a good format.

Chairman Brooks: I am getting tired of this people. We’re in the middle of a motion and you are suggesting we direct staff in an informal manner in the middle of a motion to do something different to the motion that we are working on.

Commissioner Tobin: I am offering a friendly amendment.

Chairman Brooks: OK you have offered an amendment, I have not heard a second, or I haven’t heard the amendment accepted, who made the amendment. Who made the amendment? Glenn you made the amendment, and he is trying to change your amendment.

Commissioner Patton: I don’t think that this is part of that.

Chairman Brooks: This is not part of the amendment so this is out of order period. Let’s move on. So we have a motion on the floor to accept with an amendment rule change log #4. Will somebody call the question?

Commissioner Patton: I would like to call the question.

Chairman Brooks: Let’s have a role call vote.

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Chairman
Charles Brooks  X

Motion passed 3 to 2

Commissioner Tobin asked to be excused at 6:30 PM. Chairman Brooks excused Commissioner Tobin.

Rule Change Log #5, Article IX Fees and Charges, Section 9.04 Monthly Customer Fee

Motion:  Commissioner Patton made a motion to approve Rule Change Log #5. The motion was seconded by Commissioner Bullock.

Commissioner Bullock stated that the rate structure is based on $4770 and the base charge $33.60 and the two have to go together; if not the District will have a short fall in the future. If down the road there has been a savings of the 15% contingency then the Board could vote to decrease the rate schedule to give back the compensation if it is appropriate.

Commissioner Patton would like to amend his motion by adding “per dwelling unit” on page 2 line (3) (i) after EDU and before per month.

Commissioner Bauman stated that the connection fee is to be used to do the construction. Rule Change Log #5 is to pay for the daily running of the plant. They are absolutely separate and should be calculated separately and kept separate.

Chairman Brooks explained that one of the first charges of the Board was to establish Rules and Regulations. Commissioner Patton has taken the task and has made the first steps to establish the R &R. He commends Commissioner Patton for the work that he is doing on the Rules and Regulations.

Vote on motion to approve Rule Change Log #5 as amended at Commissioners Patton’s request.

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
<td>Absent</td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0
Approval of the Nabors, Giblin, and Nickerson contract for Financial Advisor.
District Counsel Thomas Dillon explained the contract that would allow review of the Non Ad valorem Assessment Resolution by Nabors, Giblin, & Nickerson.

Motion: Commissioner Bullock made a motion to retain Nabor, Giblin & Nickerson, PA for the purpose of providing services to review our assessment resolution. This motion is also to approve Nabors, Giblin and Nickerson’s proposal for the services dated July 18, 2005 and received via electronic Email. Their services rendered are specified in the proposal and as specified in the proposal will not incur more that $3,500 in fees without first notifying the District in writing.

Vote on motion:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bauman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0

Setting a meeting date for a Public Hearing
District Counsel Thomas Dillon requested that the date be set for August 31, 2005.

Motion: Commissioner Patton made a motion to set a public hearing date for August 31, 2005 and have the resolution on the August 3, 2005 agenda and the Clerk is directed to advertise the hearing no later than August 10, 2005. The motion was seconded by Commissioner Bullock.

Vote on motion

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bauman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>
Chairman
Charles Brooks X

Motion passed 4 to 0

Haskell Letter
Ed Castle explained that he is not getting information on permitting from the Haskell Company. He needs them to be more responsive to his request for information.

Motion: Commissioner Patton made a motion to send the letter to the Richard McManus, Director of Construction, The Haskell Company and to have only the Chairman sign the letter. The motion was seconded by Commissioner Bullock.

Vote on motion

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
<td>Absent</td>
</tr>
<tr>
<td>Chairman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0

Approval of Minutes of July 6, 2005

Motion: Commissioner Patton made a motion to approve the minutes of the July 6, 2005 meeting. The motion was seconded by Commissioner Bullock.

Commissioner Bauman requested that the minutes specifically show on page 6 that Mr. Fishburn stated that 15% of the project cost is in contingency.

Vote on motion as amended:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
<td>Absent</td>
</tr>
</tbody>
</table>

Board of KLWTD Commissioners
July 20, 2005 Meeting
Pending Payments List

**Motion:** Commissioner Patton made a motion to approve the pending payments list for July 20, 2005 contingent upon availability of funds. The motion was seconded by Commissioner Bullock.

**Vote on motion:**

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
<td>Absent</td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0

**Auditor Request For Proposals**

Financial Officer Martin Waits reported that the District received two responses to its RFP, Grau & Company is being recommended by staff based upon a technical evaluation of the two respondents. However, this firm’s all-inclusive dollar cost bid was substantially higher than the other respondent, Harvey, Branker & Associates. Authorization is therefore requested to negotiate a lower fee with Grau before considering Harvey, Branker,

**Motion:** Commissioner Patton made a motion to authorization the Finance Officer to initiate contract negotiations with Grau & Company to provide professional auditing services to the District for FY 2005, with four annual renewal options at the District’s sole discretion. Motion was seconded by Commissioner Bauman.

**Vote on motion:**

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Board of KLWTD Commissioners
July 20, 2005 Meeting
Commissioner
Andrew Tobin

Chairman
Charles Brooks

Absent

Motion passed 4 to 0

Financial Advisor Contract with RBC Dain Rauscher
District Counsel Thomas Dillon reported that the Financial Advisor Contract has been negotiated and revised to meet the requirements of Staff and Board direction. Staff recommended approval of the contract.

Motion: Commissioner Bullock made a motion to approve the RBC Dain Rauscher as the District's Financial Advisor. The motion was seconded by Commissioner Patton.

Vote on motion:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0

Haskell deductive Change Order No. 7 (Fluidyne direct purchase)
General Manager Charles Fishburn reported that the change order corrects the Schedule of Values, reducing the total Haskell contract amount to reflect direct purchase of the Fluidyne secondary treatment plant by the District.

Motion: Commissioner Patton made a motion to approve the Haskell Change Order No. 7. The motion was seconded by Commissioner Bullock.

Vote on motion:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Commissioner Andrew Tobin | | Absent
---|---|---
Chairman Charles Brooks | X | |

Motion passed 4 to 0

Haskell deductive Change Order No. 8 (Airvac direct purchase)
General Manager Charles Fishburn reported that the Change Order corrects the Schedule of Values, reducing the total Haskell contract amount to reflect direct purchase of Airvac equipment and materials by the District.

Motion: Commissioner Patton made a motion to approve Change Order No. 8. Motion was seconded by Commissioner Bauman.

Vote on motion:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Gary Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Claude Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Glenn Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Andrew Tobin</td>
<td></td>
<td></td>
<td>Absent</td>
</tr>
<tr>
<td>Chairman Charles Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 0

STATUS REPORTS

Verbal Status Report from Ed Castle
Mr. Castle reported that the construction work is going well. Everything is much tidier. The pressure testing for the Plant will be starting soon. The Vacuum Station is due for delivery the first week in September.

Commissioner Patton told the Board that the Key Largo Trailer Village Association will be having a meeting on Saturday and he thinks that it is very important that the District has a presence at the meeting.

Commissioner Bullock wanted to know if it would be prudent to allow the public to make a comment if they want to on a item that has not had anyone previously make a comment on and it is a critical issue. He does not like to tell someone that they cannot make a comment.

Commissioner Patton suggested revising the process to make it similar to the BOCC.

Chairman Brooks stated that he did not see a problem with that.
ADJOURNMENT: After a motion to adjourn, Chairman Brooks adjourned the meeting at 7:50 PM.

The KKWTD meeting minutes of July 20, 2005 were approved on August 31, 2005.

Chairman Charles Brooks

Carol Simpkins, CMC
Board Clerk
MINUTES
Key Largo Wastewater Treatment District (KLWTD)
Board of Commissioners Meeting

AUGUST 3, 2005
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on August 3, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin who arrived at 5:05 PM. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other apporrorate District Staff.

The Pledge of Allegiance was led by Chairman Brooks.

Approval of the Agenda
The agenda was approved with the following changes. Commissioner Bauman stated that because of the large agenda the following items could be removed: item I-9 Resolution No. 07-07-05, E-1 the Video presentation, G-2 the summary discussion on Utility Rule Drafting/Modifications and Ultimately approving, and I-10 the Summarizing specific rules of order. Commissioner Bauman stated the lack of back up as the major reason to continue the items.

Commissioner Bullock has a problem with the Robert's Rules. He feels that if they are modified they should be done by a separate actions. He is for just staying with Robert's Rules.

Commissioner Patton concurs with what Commissioner Bullock said and it would be good to clarify what version is being used. He does not see any need to change the agenda it can be gone through quickly.

Chairman Brooks explained that item I-9 is to clarify what version the Board will be using of Robert's Rules. The Board decided to leave I-9 on the agenda.

Item G-2 is the Commissioner's Round Table and the Board decided to leave it on the agenda.

Item I-10 was removed from the agenda.
Chairman Brooks requested that Commissioner Items be moved to either follow action items or the status reports.

General Manager Charles Fishburn requested that item I-13 be removed from the agenda. He also requested that items I-1, I-12, I-16, I-21 be moved up.

The Board decided to move the action items to first place. Commissioner Items will be taken up after the actions items and before discussion items.

Public Comment
Chairman Brooks stated that he will have public comment under public comment and not under each item unless the Chair or the Board decideds other wise. The speaker cards need to be filled out before the item is read. If someone comes in late and wishes to speak on an item the Chair will remain flexible and take each case under consideration while maintinaing order and decorum.

The following persons addressed the Board: Vicky Fay, 139 2nd Court, Key Largo, and Robert Burt, 219 Allen Drive, Key Largo. Ms. Fay requested that the District send out a letter to the KLTV residents outlining the process of putting in the residents lateral and abandoning the septic tank. Mr. Burt requested more time to complete the hook up and to decommission the septic tanks. He also asked if the District could assist in getting the County to waive the permit fee.

Commissioner Tobin requested that resolutions be brought back to the Board one to the Department of Health to waive the $40 permit fee and one to the County waiving the $52 permit fee. He would also like a “how to” letter sent to the residents.

Commissioner’s Roundtable
Summary Discussion on Utility Rule Drafting/Modifications and Ultimately Approving

Chairman Brooks explained that the Board has been furnished forms and instructions on how to review the Rules and Regulations and how to change them. He asked the Board if they wished to continue in that manner or if they would like to review the policies on a screen, go over them one at a time, and make the changes to them at that time.

Commissioner Patton stated that he has made some of the recommended changes and District Counsel Thomas Dillon has made most of the major modifications. Commissioner Patton feels that the procedure that is now in use addresses the very specific items and he feels that that is the way the Board should proceed.

Commissioner Tobin would like to recommend that the Rules and Regulations be broken into three parts. The parts should be the internal operating policies of the Board, the rates, and then the rules. He has no desire to participate in the technical end.

Commissioner Bullock agrees with Commissioner Patton.
Commissioner Bauman had no comment.

Chairman Brooks asked Staff when they estimated completion of the review on the Rules and Regulations.

General Manager Charles Fishburn stated that the requirements of SRF, non ad-valorem assessment, etc. will be met.

District Counsel Thomas Dillon explained that if the Board members wish to contact him with a requested change he would be happy to do it and put it on a change request form and submit it. He stated that the District is prioritizing appropriately.

Action Items
RESOLUTION NO. 07-07-05
A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE SELECTING AND APPROVING OF THE SPECIFIC VERSION OF ROBERT RULES OF ORDER NEWLY REVISED (RONR). SPECIFYING RONR WILL BE USED FOR REFERENCE AND GUIDANCE IN THE ORDERLY PROCEEDINGS OF THE KLWTD BOARD OF COMMISSIONERS.

Commissioner Tobin had a point of order. He objected to the resolution being on under action items. He reminded the Board that an item was supposed to come before the Board for discussion and then be brought back for action at the next meeting. His second objection was that the Robert’s Rules of Order addressed in the resolution should be reviewed by everyone first. Commissioner Tobin’s third objection was the reference to “The dissenting commissioners with their disruptive, dilatory, and non-germane dialogue have caused ambiguity, ambivalence, and confusion as to the KLWTD Board’s policies and directions.”

Chairman Brooks called a point of order because Commissioner Tobin was discussing the item and there was no motion made. Chairman Brooks asked if any Commissioner would like to make a motion.

Commissioner Tobin asked the Chair to make a ruling on his objection as to the resolution being put on as an action item.

Chairman Brooks stated that if that rule was followed than everyone of the action items would be moved to discussion.

Motion: Commissioner Patton make a motion that the resolution be discussed at the current meeting and make any modification necessary and bring it back for a vote at the next meeting. Commissioner Bullock seconded Commissioner Patton’s motion.
Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 1

Chairman Brooks stated that the resolution has been move to discussion.

**RESOLUTION 06-07-05**

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, TO PROVIDE COPIES OF THE KLWTD AGENDAS, MINUTES, AND RESOLUTIONS FOR PUBLIC INSPECTION; REVOKING RESOLUTION NO. 2003-20, AND RETRIEVING AGENDA PACKAGES FROM KEY LARGO PUBLIC LIBRARY

**MOTION:** Commissioner Tobin made a motion to approve Resolution No. 06-07-05 and Commissioner Bullock seconded the motion.

The Board requested that a sign be placed at the library telling the public the packages are at the District office and they are available on the web site also.

Commissioner Tobin requested that in the last paragraph in the resolution include minutes and resolutions.

Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

**RESOLUTION NUMBER KLWTD 08-07-05**

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
District Counsel Thomas Dillon explained that the resolution had to be passed at the current meeting. The resolution established the details of how things need to be done for the non ad-valorem assessment process.

**MOTION:** Commissioner Patton made a motion to approve Resolution No. 08-07-05 as amended and the motion was seconded by Commissioner Bullock.

After discussion among the Board Mr. Dillon reviewed what the changes to the resolution might be. On page 3 strike “not likely to” and insert “cannot be improved” concerning vacant lots, concerning Laundromat, strike “Laundromat” insert “stand-alone laundry business that provides self-service and non self-service laundry facilities for the public. A Laundromat is not part of a hotel, motel, campground, or other similar facilities.” On page 10 in the first line of paragraph F at the top “commercial” will be changed to “non residential”. The last sentence will be changed to reflect that the quotation will be rounded up to the next tenth and there is a minimum EDU per parcel of 1.0. At the bottom of page nine “vacant lots” will be changed to “vacant parcel.” On page ten the “most recent 36 months” will be change to the “most recent 3 calendar years.” The total for the amount raised will be inserted after the tax roles have been prepared.

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

*Rule change log #3, Article IX Fees & Charges, Section 9.01 Plan Review Fee (I)*

**MOTION:** Commissioner Patton made a motion to accept Rule Change Log 3 and Commissioner Bullock seconded the motion.

Commissioner Tobin did not like that the plan review and inspection were together. He is concerned with redevelopment reviews. Commissioner Tobin would like to see language about if a project is over fifty units the rates may be adjusted without having to go to an appeal.

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 4 to 1
Minutes of July 13, 2005
Commissioner Tobin stated that he has not read the minutes yet and would like to table the minutes until the next meeting.

MOTION: Commissioner Bauman requested that the Minutes of July 13, 2005 be tabled and Commissioner Patton seconded the motion.

Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

Pending Payments List
Financial Officer Martin Waits reviewed the pending payments list.

MOTION: Commissioner Patton made a motion to approve the pending payments list of August 3, 2005 subject to the availability of the funds and the motion was seconded by Commissioner Bullock.

Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Chairman Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

Color Camera for Lateral Inspections
General Manager Charles Fishburn asked to remove this item from the agenda.

AutoCAD Software
Mr. Fishburn explained the uses for the software. Commissioner Patton suggested that staff look at TurboCad Pro it would do what the District needs for $800.

MOTION: Commissioner Bullock made a motion to table the AutoCAD issue until the next meeting. Motion was seconded by Commissioner Tobin.

Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Commissioner Bullock  X
Vice Chairman Bauman  X
Chairman Brooks  X

Motion passed 5 to 0

**Discussion Items**

*Paperless Meetings*

General Manager Charles Fishburn explained the process of using laptop computers.

Comissioner Bauman does not think that he would use the laptop. Commissioner Bullock stated that he would use it. Commissioner Patton said that he does not have a problem with using the laptops and it may be beneficial. Commissioner Tobin explained that after the Rules and Regulations laptops would not be necessary. He would not have a problem with a projection system with a screen. Chairman Brooks is in favor of using the laptops.

**Commissioner Items**

*Open Debate Policy*

Commissioner Tobin stated that the open debate policy (see exhibit “A”) will codify what the Boards actual practice is. A policy needs to be established stating that commissioners need to talk to each other. Commissioners need to ask staff questions. Debate either is needed before or after a motion is made. It should not be left up to the Chair to allow a question from the Board to staff, especially on an important resolution.

Commissioner Patton stated that he would be opposed to an open debate policy because it does not give the Chair the support he needs to run the meeting.

Commissioner Bullock stated that the Chair has to have control of the meeting. At times he would like to ask staff questions, but is that open debate. If a motion is not a good motion it should not get a second. The Chair has the responsibility to give each commissioner a complete say on the specific issue; if that happens then there is no need for an open debate policy.

Commission Bauman stated that the Board did the open debate policy very effectively the first two years. The length of the current meetings has doubled. Commissioner Bauman thinks that the longer meetings exist because the members cannot ask specific questions to specific people at specific times like they did the first two years. He stated that Robert’s Rules were around before the Florida Sunshine Law and they do not work well together.

Chairman Brooks stated that he sees no change in the length of the meetings. He had no comment on the open debate policy.

Commissioner Tobin said that when he was the Chairman the first year Commissioner Brooks wanted USBF. He was the lone voice. There was no motion or second. Commissioner Brooks made a great case for USBF. Commissioner Tobin stated that he
needs that kind of information. That is how he learns, by asking questions. Language can be added to the open debate policy that allows the Chair to limit debate when appropriate. Everyone wants to work together.

Commissioner Patton pointed out that items H-5 and H-6 are addressed in the Rule Change Log #12.

Discussion Items
Preliminary Draft Operation budget FY 2006

Financial Officer Martin Waits presented the draft budget.

Rule Change Log #10
Commissioner Patton stated that this rule has been adopted in the resolution assessment on page nine of sixteen. Adopting this rule change is a formality.

Commissioner Tobin stated that the District needs a stand-alone resolution with all of the definitions in it. The rule change form is inappropriate for a rate ordinance.

District Counsel Thomas Dillon explained that every one of the rule change forms takes into account the working draft and the definitions that are in it.

Rule Change Log #10 is to be placed on the consent agenda.

Rule Change Log #12
District Counsel Thomas Dillon explained that he wrote in the rule change that the Board will be guided by Robert’s Rules of Order.

Commissioner Tobin said that he liked the way visiting an item twice was handled. He does no think that it is a good idea to allow one person to have the control as to whether or not the Board has preliminary debate.

Chairman Brooks said that the nice thing about Robert’s Rules of Order is that it is flexible, it answers all questions than come up, and it says that you can adopt your own by-laws. Leadership does not work without people who do not want to follow. All of the Chair’s decisions can be appealed by the assembly.

Commissioner Patton stated that everyone needs to be tolerant of the situation regardless who is the Chairman. Using Robert’s Rules of Order as a guide is appropriate. Rule Change No. 12 is not in conflict with Robert’s Rules of Order.

Commissioner Bullock in general is in concurrence with Commissioner Patton.

CPH Collection System Work Authorization
General Manager Charles Fishburn explained that the latest version was received Tuesday and it will be brought to the next meeting.
Status Reports

*Monthly Report & Current Progress Maps of Projects*

Ed Castle reported that weekly progress meetings of the Key Largo Park project are being held. Surveying has started. Mr. Castle stated that the current prediction on the completion date for KLP is March, 2006.

Mr. Castle reported that the Key Largo Trailer Village is almost completed.

Chairman Brooks explained that the FL State Legislature allocated $30 million for alternate water use. If the District is going to do something the Board may have to step forward. Mr. Castle had suggested building a reserve tank and selling (or donating) the water for irrigation. The staff was directed to pursue the issue.

**Adjournment**

The KLWTD Board adjourned after Commissioner Tobin made a motion to adjourn the meeting at 9:50 PM which was seconded by Commission Patton.
The KLWTD meeting minutes of Aug. 3, 2005 were approved on August 31, 2005.

Chairman Charles Brooks

Carol Simpkins, CMC
Board Clerk
OPEN DEBATE POLICY

Because Commissioners are precluded by Florida's Sunshine Law from discussions with fellow Commissioners outside of a public meeting; and because Commissioners benefit from open debate, and an exchange of ideas with fellow Commissioners; and because Commissioners sometimes require information from staff during a debate; and because the public benefits from open debate and an exchange of ideas;

Now Therefore, be it resolved:

During debate, Commissioners shall have the right to ask questions of staff and to engage in civil and courteous debate with fellow Commissioners.

Vote:
C. Brooks
G. Bauman
C. Bullock
G. Patton
A. Tobin
TAB 6
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005
Agenda Item No. 6

[ ] PUBLIC HEARING
[ ] RESOLUTION
[ ] DISCUSSION
[ ] BID/RFP AWARD
[X] GENERAL APPROVAL OF ITEM
[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Pending Payments list for Aug. 31, 2005

RECOMMENDED MOTION/ACTION: Motion to approve pending payments list for Aug. 31, 2005 contingent upon available funds.

Approved by General Manager

Date: 8-25-05

Originating Department: Finance

Costs: $

Funding Source:
Acct. #

Department Review:
[ ] District Counsel
[X] General Manager
[ ] Finance

Engineering____
Clerk____

Attachments: Pending payment list for Aug 31, 2005

Advertised:
Date: _____________
Paper: _____________
[X] Not Required

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 08/31/05
Prepared 08/25/05

CONSOLIDATED CASH BALANCE FORWARD $ 399,332.65

Administration & Operations
Cash Balance A&O Account Forward $ 133,173.62

Plus: No Receipts

Less: BellSouth - Office Phones (net of old credit) 103.87
Federal Express - Deliveries 88.32
Sprint - Cell Phones 187.82
George Scott - Old office rent (July) 1,050.00
PRMG - 7/6/05 Board Meeting 2,129.84
Cris Sante - Rent (July) 2,450.00
Comcast - Cable Service 31.28
Toshiba - Copier Expense 304.34
PKEC - Office Electric 170.00
Cooke Communications - Legal Advertisements 310.14
Office Depot - Office Supplies 1,207.57
Visa - Engr. Computer, DVD-VCR-TV, Misc. 2,203.71
Sub-total Invoices 10,236.89

Cash Balance A&O Account If All Paid $ 122,936.73
Memo: MSTU Draw #11 Submitted 7/22/05 $46,929

Key Largo Park
Cash Balance KLP Account Forward $ (25,345.86)

Plus: No Receipts

Less: No Invoices 0.00

Cash Balance KLP Account If All Paid $ (25,345.86)
Memo: MC Cesspit Draw #1 Submitted 7/22/05 $ 17,464

Key Largo Trailer Village
Cash Balance KLTV Account Forward $ 291,504.89

Plus: No Receipts

Less: Haskell - July 421,319.85 (421,319.85)

Cash Balance KLTV Account If All Paid $ (129,814.96)
Memo: FEMA Draw #8 Submitted 7/20/05 $ 933,518
Memo: DCA Cesspit Draw #1 Submitted 7/22/05 $ 654,049
Memo: FEMA Draw #9 (Final) Submitted 8/2/05 $ 8,373

North Key Largo Development
Cash Balance NKLD Account Forward (8,653.38)

Less: No Invoices 0.00

Cash Balance NKLD Account If All Paid (8,653.38)
Memo: MC Loan Advance Submitted 7/6/05 $ 1,000,000

CONSOLIDATED CASH BALANCE IF ALL PAID $ (32,224.09)

NOTE: A TOTAL OF $ 2,660,333 HAS BEEN REQUESTED FOR REIMBURSEMENT OR ADVANCE.

Approved for payment:

Charles Brooks, Chairman

Andrew Tobin, Secretary
TAB 7
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Aug 31, 2005  Agenda Item No. 7

[ ] PUBLIC HEARING  [ ] RESOLUTION
[ ] DISCUSSION  [ ] BID/RFP AWARD
[X] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Rule Log #12
Article 1 N/A  New Section 1.14 Meeting Procedures

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager

Date: 8/25/05

<table>
<thead>
<tr>
<th>Originating Department: Commissioner Patton</th>
<th>Costs: $</th>
<th>Attachments: Rules &amp; Regulations change # 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Review:</td>
<td>Funding Source:</td>
<td></td>
</tr>
<tr>
<td>[ ] District Counsel</td>
<td>Acct. #</td>
<td></td>
</tr>
<tr>
<td>[X] General Manager</td>
<td>[ ] Engineering</td>
<td></td>
</tr>
<tr>
<td>[ ] Finance</td>
<td>[ ] Clerk</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Advertised:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
</tr>
<tr>
<td>Paper:</td>
<td></td>
</tr>
<tr>
<td>[X] Not Required</td>
<td></td>
</tr>
</tbody>
</table>

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: Rule change pertaining to meeting procedure, general discussion, and bulk items.

Resulting Board Action:
☑ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
Rules & Regulations Change Form

Date: July 29, 2005

Rule Change Log # 12

Agenda item #

Present Rule  KLWTD
Article  I
Section  N/A

Proposed Rule or Change
New Section 1.14, as follows:

Section 1.14 Meeting Procedures

In conducting meetings, the District will be guided by Robert's Rules of Order. The Chair may, on a duly adopted motion to suspend the rules, depart from Robert's Rules of Order as necessary or appropriate to facilitate the conduct of business.

A matter may be placed on the agenda for a meeting by any Commissioner or the General Manager. The normal practice of the District is to discuss a matter at the first meeting at which it is placed on the agenda, and to defer any action on the matter to a subsequent meeting. However, the Board may, by duly adopted motion, decide to take action on the matter at the first meeting at which the matter is discussed, or direct staff to conduct research and prepare materials for use by the Board at a subsequent meeting.

The chair may allow a general discussion of a matter of interest to the Board prior to any motion being made or seconded with regard to that matter, and such discussion will not preclude further discussion as may be necessary or appropriate prior to a vote on the matter.

With respect to any pending matter, the Board may entertain a secondary motion to require that the matter be subject to reconsideration at a subsequent meeting.
The Chair may direct that a matter be placed on the agenda of a meeting as a “Bulk Item.” If any Commissioner requests that a matter be removed from the Bulk Items portion of the agenda, the matter will be designated as a separate item for discussion and/or action. All matters included in the Bulk Items portion of the agenda may be adopted by a single vote and without discussion.

**Financial Impact of Proposed Rule or Change – input by**

**People Most Affected by Proposed Rule or Change**

**Precedent Affected by Proposed Rule or Change – input by**

**General Positive Impact of Proposed Rule or Change**

**General Negative Impact of Proposed Rule or Change**

**Legal Considerations – input by District Counsel**

**KLWTD Managers – Recommendation and Rationale**

Date ______________
KLWTD Board Action

Approved Proposed Rules ______________

With the following amendments;

Vote
C. Brooks _____________
G. Bauman _____________
A. Tobin ______________
C. Bullock _____________
G. Patton ______________
KEY LARGO WASTEWATER TREATMENT DISTRICT

**Agenda Request Form**

Meeting Date: Aug 31, 2005

Agenda Item No. 8

- [] PUBLIC HEARING
- [X] RESOLUTION
- [X] DISCUSSION
- [ ] BID/RFP AWARD
- [ ] GENERAL APPROVAL OF ITEM
- [ ] CONSENT AGENDA
- [] Other:

**SUBJECT:** Resolution No. 11-08-05

**RECOMMENDED MOTION/ACTION:** Approval

Approved by General Manager

Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department: District Counsel Thomas Dillon</th>
<th>Costs: Approximately $</th>
<th>Attachments: Resolution No. 11-08-05</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
<th>[ ] Engineering______</th>
<th>[X] Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Counsel</td>
<td>[ ] Clerk______</td>
<td></td>
</tr>
<tr>
<td>General Manager</td>
<td>[ ] Finance ________</td>
<td></td>
</tr>
</tbody>
</table>

**Advertised:**

- Date: ____________
- Paper: ____________
- [X] Not Required

**Summary Explanation/Background:** This is a resolution requesting Monroe County to waive all Monroe County permitting fees for connections to the District's wastewater system.

**Resulting Board Action:**

- [ ] Approved
- [ ] Tabled
- [ ] Disapproved
- [ ] Recommendation Revised
RESOLUTION 11-08-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING MONROE COUNTY TO WAIVE ALL PERMITTING FEES FOR BUILDING PERMITS, HEALTH DEPARTMENT PERMITS, AND OTHER PERMITS FOR CONSTRUCTION OF IMPROVEMENTS RELATED TO CONNECTION OF PROPERTIES TO THE KEY LARGO WASTEWATER TREATMENT DISTRICT WASTEWATER MANAGEMENT SYSTEM AND ABANDONMENT OF EXISTING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS IN ORDER TO CONNECT TO DISTRICT FACILITIES

WHEREAS, the Key Largo Wastewater Treatment District ("District") is in the process of completing a wastewater management system consisting of a treatment plant, transmission line, and collection systems serving the properties located in Key Largo Park, Key Largo Trailer Village, Sunset Waterways, and other properties; and

WHEREAS, persons connecting to the District wastewater management system will incur significant costs, including District system development charges and the costs of installing connections between their homes and the District facilities and abandoning their existing onsite sewage treatment and disposal systems in order to connect to District facilities; and

WHEREAS, these costs impose a burden on persons connecting to the District wastewater management system;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests that Monroe County waive all permitting fees normally required for permits for installing connections to the District wastewater management system and for abandoning existing onsite sewage treatment and disposal systems in order to connect to the District facilities.

AND FURTHER, the Key Largo Wastewater Treatment District respectfully requests that Monroe County refund all permitting fees already collected for permits for installing connections to the District wastewater management system and for abandoning existing onsite sewage treatment and disposal systems in order to connect to District facilities.
The foregoing RESOLUTION NO. 11-08-05 was offered by Commissioner ____________, who moved its approval. The motion was seconded by Commissioner ______________. and being put to a vote the result was as follows:

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>AYE</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Bauman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claude Bullock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenn Patton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Tobin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles Brooks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared Resolution No. 11-08-05 duly passed and adopted the 31st day of August 2005.

KEY LARGO WASTEWATER TREATMENT
DISTRICT GOVERNING BOARD

By ____________________________
Charles Brooks, Chairman

Attest: Approved as to form and content:

By ____________________________
Carol Walker, Board Clerk

By ____________________________
District Counsel
TAB 9
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005  Agenda Item No. 9

[ ] PUBLIC HEARING  [ ] RESOLUTION
[x] DISCUSSION  [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA
[ ] STATUS REPORT

SUBJECT: Monroe County $100,000 Loan

RECOMMENDED MOTION/ACTION: None

Approved by General Manager  Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department: Finance</th>
<th>Costs:</th>
<th>Attachments: Inter-Local</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acct. #</td>
<td></td>
</tr>
</tbody>
</table>

| Department Review: | [ ] Engineering | [ ] Not Required |
| General Manager | [ ] Clerk | |
| Finance | Approved by: C. J.  |

Advertised:
Date: 8-24 8-21
Paper: Printed  KJL72cm
[ ] 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: In accordance with an ILA dated Dec. 18, 2002, the County loaned the District $100,000 to “assist in the completion of its projects”. Funds were deposited in the District’s account on Jan. 7, 2003.

In the County/District/FKAA ILA dated Feb. 26, 2003, reference is made to this loan in Section 2.03.A(1) with the language regarding repayment terms including “unless otherwise agreed between the County and the District…”

Staff was directed at the Aug. 17 meeting to place this item on the next agenda for discussion.
INTERLOCAL AGREEMENT
RELATING TO THE TRANSITION OF WASTEWATER JURISDICTION AND SERVICES FROM THE FLORIDA KEYS AQUEDUCT AUTHORITY TO THE KEY LARGO WASTEWATER TREATMENT DISTRICT

BY AND BETWEEN
MONROE COUNTY,
THE FLORIDA KEYS AQUEDUCT AUTHORITY AND
THE KEY LARGO WASTEWATER TREATMENT DISTRICT

SECTION 2.03. DUTIES AND RESPONSIBILITIES OF THE COUNTY.

A. Financial Commitments. The County agrees to provide certain funds it has available to support the development of the Key Largo Trailer Village and Key Largo Park projects. These commitments are outlined in Exhibits A and D and are provided specifically in Exhibit F. Exhibit F outlines all financial commitments to date, including state and federal funds commitments. The County will provide funds through several different committed funding sources with conditions for the use of these funds, as outlined below.

1. Administrative Loan. Pursuant to an Interlocal Agreement entered into on December 18, 2002 between the County and the District, attached hereto and marked as Exhibit G, the County loaned the District $100,000. Unless otherwise agreed between the County and the District, this $100,000 is to be reimbursed to the County, the terms of which are outlined in the referenced Interlocal Agreement.

2. Capital Funds for Key Largo Trailer Village. Pursuant to County Resolution 093-2002, attached hereto and marked as Exhibit A, the County will provide capital funds to the District in order to secure a commitment to the Key Largo Trailer Village project up to $914,285, as needed, to complete the project. As costs are incurred by the District, and upon a request for payment of expenses, the County will transfer necessary funds to the District for payment of such expenses. These funds will be provided to the District as a loan to be repaid upon such terms and conditions to be agreed upon between the District and the County within the next 90 days. To date, 20% of the $914,285 has been transmitted to the Authority ($182,857). The County will direct that the Authority transfer these funds to the District to the extent that such funds remain after project development to date.

3. Cesspit Grant Funds. Pursuant to DCA Contracts, a total of $1,225,600 will be provided to the District for Key Largo Trailer Village and Key Largo Park.
INTERLOCAL AGREEMENT

Key Largo Wastewater District Board

This Interlocal Agreement is entered into pursuant to Sec. 163.01, Florida Statutes, by and between Monroe County, a political subdivision of the State of Florida, hereafter County, and the Key Largo Wastewater District Board, an independent special district, hereafter District.

WHEREAS, the District now has the obligation to continue to completion, and after completion to operate, the following central sewage treatment projects: Key Largo Trailer Village, and the Key Largo Park, plus related collection infrastructure, hereafter the Projects;

WHEREAS, the District at present does not have in place a funding mechanism to complete and operate the Projects;

WHEREAS, the County’s Board of County Commissioners have determined that the completion of the Projects is a proper County public purpose pursuant to Sec. 125.01(1), FS; and

WHEREAS, the County desires to lend the District $100,000 to help the District in its completion of the Projects; now, therefore,

IN CONSIDERATION of the mutual covenants and promises set forth below, the parties agree as follows:

1. a) The County agrees to lend the District the sum of $100,000 to assist the District in its completion of the Projects.  
b) The County will tender the $100,000 to the District within ten business days of the District establishing a federally insured account for the funds at a financial institution authorized by State law to receive deposits of public funds. The District must deposit the funds in that account.
2. The District must repay the $100,000 to the County within three years from the date the County tendered the funds to the District, together with interest at the adjusted rate per annum established by the State Revolving Loan Fund calculated from the date the County tendered the $100,000 to the District.

3. The District must keep its records pertaining to the County loan according to generally accepted accounting principles and make those records available to auditors employed by the County or the Clerk of the Circuit Court during normal business hours (Monday through Friday, 9 AM to 5 PM, holidays excepted).

4. This Interlocal Agreement will take effect when a fully executed copy is filed with the Clerk of the Circuit Court for Monroe County.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the dates written below.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK
By [Signature]
Deputy Clerk
Date: December 18, 2002

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By [Signature]
Mayor/Chairman

(SEAL)
Attest:
By [Signature]
Secretary
Date

KEY LARGO WASTEWATER
DISTRICT BOARD

By [Signature]
Chairman
TAB 10
Meeting Date: Aug 31, 2005  
Agenda Item No:  

[ ] PUBLIC HEARING  
[X] DISCUSSION  
[ ] GENERAL APPROVAL OF ITEM  
[ ] Other:  

SUBJECT: Waiver Form  

RECOMMENDED MOTION/ACTION: Discussion  

Approved by General Manager  
Date: 8-26-05  

<table>
<thead>
<tr>
<th>Originating Department: District Counsel Thomas Dillon</th>
<th>Costs: Approximately $</th>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Review:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] District Counsel</td>
<td>[ ] Engineering_________</td>
<td></td>
</tr>
<tr>
<td>[ ] Finance</td>
<td>[ ] Clerk__________</td>
<td></td>
</tr>
</tbody>
</table>

| Advertised:                                           |                          |              |
| Date:                                                 |                          |              |
| Paper:                                                |                          |              |
| [X] Not Required                                      |                          |              |

Summary Explanation/Background: This is the draft form to be used to exclude parcels from assessment under the pending resolution.  

This item will be emailed to you.  

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

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.
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: August 31, 2005

Agenda Item No. 10

[ ] PUBLIC HEARING [ ] RESOLUTION
[X] DISCUSSION [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other

SUBJECT: Treatment Plant Operator Search

RECOMMENDED MOTION/ACTION: Discussion, Status report

Approved by General Manager
Date: 9-25-05

<table>
<thead>
<tr>
<th>Originating Department: General Manager</th>
<th>Costs: $</th>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding Source:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acct. #</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
<th>Engineering</th>
<th>Clerk</th>
<th>Advertised:</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Counsel</td>
<td></td>
<td></td>
<td>Date: ______</td>
</tr>
<tr>
<td>General Manager</td>
<td></td>
<td></td>
<td>Paper: ______</td>
</tr>
<tr>
<td>Finance</td>
<td></td>
<td></td>
<td>[X] Not Required</td>
</tr>
</tbody>
</table>

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 General Manager continues searching for a treatment plant operator.

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005
Agenda Item No: 10

[ ] PUBLIC HEARING [ ] RESOLUTION
[X] DISCUSSION [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA
[ ] Other

SUBJECT: Employee Performance Evaluation

RECOMMENDED MOTION/ACTION: Discussion, Status report

Approved by General Manager
Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: $</th>
<th>Attachments: Evaluation form</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] District Counsel</td>
<td>[ ] Engineering</td>
<td></td>
</tr>
<tr>
<td>[X] General Manager</td>
<td>[ ] Clerk</td>
<td></td>
</tr>
<tr>
<td>[X] Finance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Advertised:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[X] Not Required</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 proposed the attached employee performance evaluation form.

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
### Key Largo Wastewater Treatment District

#### EMPLOYEE PERFORMANCE EVALUATION

<table>
<thead>
<tr>
<th>Tasks &amp; Responsibilities Rating</th>
<th>General Performance Rating</th>
<th>Overall Performance Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds Requirements 54-60</td>
<td>108-120</td>
<td>162-180</td>
</tr>
<tr>
<td>Meets Requirements 36-53</td>
<td>72-107</td>
<td>108-161</td>
</tr>
<tr>
<td>Needs Improvement 6-35</td>
<td>12-73</td>
<td>18-107</td>
</tr>
</tbody>
</table>

**Supervisor's General Comments:**

---

**Supervisor Signature**

**Employee Signature**

**Date**
<table>
<thead>
<tr>
<th>GENERAL PERFORMANCE CATEGORIES</th>
<th>Job Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiative: Ability to suggest and initiate usable and innovative techniques, methods, procedures; resourcefulness; self reliance; ability to stimulate others to think and work.</td>
<td>Exceeds (9-10)</td>
</tr>
<tr>
<td>Quantity of Work: Volume of work which is accomplished, considering difficulty of the work done; efficiency with which work is accomplished.</td>
<td></td>
</tr>
<tr>
<td>Quality of Work: Degree of excellence of the work performed, including degree of accuracy, neatness, completeness, thoroughness, carefulness, workmanship and craftsmanship.</td>
<td></td>
</tr>
<tr>
<td>Leadership: Ability to set an example for others to follow; to set realistic and challenging goals for self and others; to command respect and support from others.</td>
<td></td>
</tr>
<tr>
<td>Dependability &amp; Work Habits: Reliability and attention to work; completion of tasks properly and in a timely manner; observance of rules, regulations, procedures, methods and instructions; organization of work.</td>
<td></td>
</tr>
<tr>
<td>Judgement &amp; Problem Solving: Ability to identify problem conditions, secure required data, reach logical and effective conclusions, understand constraints, and take effective corrective action.</td>
<td></td>
</tr>
<tr>
<td>Budget Management: Concern for efficiency of operations and cost effectiveness; appropriate documentation of expenditures; keeping expenditures within budgeted amounts.</td>
<td></td>
</tr>
<tr>
<td>Experience &amp; Knowledge: Degree to which employee possesses specific knowledge and skills (e.g. technical, procedural, policy or other) to perform well and handle complex aspects of the job.</td>
<td></td>
</tr>
<tr>
<td>Interpersonal Skills: Ability to establish and maintain effective working relationships with subordinates, superiors, peers and the public; to accept constructive criticism; to positively influence others.</td>
<td></td>
</tr>
<tr>
<td>Personal Qualities: Attributes which enhance successful performance and presentation of self to co-workers and public (i.e. attitude, appearance, self control, cooperativeness, integrity, sensitivity to others)</td>
<td></td>
</tr>
<tr>
<td>Communication (Written &amp; Verbal): Ability to organize and present information effectively; to make and support a point or conclusion, to actively listen; to communicate with a variety of audiences.</td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Organizational Skills: Ability to plan ahead and set realistic goals, objectives and priorities; to commit activities to a realistic schedule; to anticipate problems and future conditions.</td>
<td></td>
</tr>
</tbody>
</table>

Total General Performance Rating
<table>
<thead>
<tr>
<th>Major Tasks &amp; Responsibilities</th>
<th>Supervisor Evaluation &amp; Comment</th>
<th>Employee Evaluation &amp; Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs Improvement (1-5) See general comments.

Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs Improvement (1-5) See general comments.

Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs Improvement (1-5) See general comments.

Total Tasks & Responsibilities Rating
# Employee Performance Evaluation

**Key Largo Water Treatment District**

**Employee Performance Evaluation**

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Position</th>
<th>Evaluation Date</th>
<th>Evaluation Type</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Major Tasks &amp; Responsibilities</th>
<th>Supervisor Evaluation &amp; Comment</th>
<th>Employee Evaluation &amp; Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Supervisor Evaluation:**
- [ ] Exceeds Requirements (9-10)
- [ ] Meets Requirements (6-8)
- [ ] Needs improvement (1-5) See general comments.

**Supervisor Evaluation:**
- [ ] Exceeds Requirements (9-10)
- [ ] Meets Requirements (6-8)
- [ ] Needs improvement (1-5) See general comments.

**Supervisor Evaluation:**
- [ ] Exceeds Requirements (9-10)
- [ ] Meets Requirements (6-8)
- [ ] Needs improvement (1-5) See general comments.
Employee Performance Evaluation

EVALUATION PROCESS

Step 1  Supervisor completes Major Tasks & Responsibilities on Pages 1&2.

Step 2  Supervisor and employee independently complete Evaluation & Comment sections on Pages 1&2.

Step 3  Third party combines comments and the completed sheets are returned to supervisor and employee.

Step 4  Supervisor completes numerical ratings on pages 1&2, completes General Performance numerical ratings on page 3, and completes Supervisor’s General Comments on page 4.

Step 5  Supervisor and employee meet to discuss the completed evaluation.

Step 6  Supervisor and employee both sign the evaluation form.

Step 7  A copy of the evaluation is given to the employee and the original is placed in the employee’s personnel file.

Key Attributes of the Process

1. Interactive between supervisor and employee.

2. Both qualitative and quantitative.

3. Overall performance can meet requirements, or even exceed requirements, yet specific elements may be rated as needing improvement.

4. Employee participates fully, but supervisor remains in control throughout the process.
<table>
<thead>
<tr>
<th>Major Tasks &amp; Responsibilities</th>
<th>Supervisor Evaluation &amp; Comment</th>
<th>Employee Evaluation &amp; Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs improvement (1-5) See general comments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs improvement (1-5) See general comments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs improvement (1-5) See general comments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor Evaluation: [ ] Exceeds Requirements (9-10) [ ] Meets Requirements (6-8) [ ] Needs improvement (1-5) See general comments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Tasks &amp; Responsibilities</td>
<td>Supervisor Evaluation &amp; Comment</td>
<td>Employee Evaluation &amp; Comment</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>[ ] Exceeds Requirements (9-10)</td>
<td>[ ] Meets Requirements (6-8)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Tasks & Responsibilities Rating
<table>
<thead>
<tr>
<th>GENERAL PERFORMANCE CATEGORIES</th>
<th>Job Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiative: Ability to suggest and initiate usable and innovative techniques, methods, procedures; resourcefulness; self reliance; ability to stimulate others to think and work.</td>
<td>Exceeds (9-10)</td>
</tr>
<tr>
<td>Quantity of Work: Volume of work which is accomplished, considering difficulty of the work done; efficiency with which work is accomplished.</td>
<td></td>
</tr>
<tr>
<td>Quality of Work: Degree of excellence of the work performed, including degree of accuracy, neatness, completeness, thoroughness, carefulness, workmanship and craftsmanship.</td>
<td></td>
</tr>
<tr>
<td>Leadership: Ability to set an example for others to follow; to set realistic and challenging goals for self and others; to command respect and support from others.</td>
<td></td>
</tr>
<tr>
<td>Dependability &amp; Work Habits: Reliability and attention to work; completion of tasks properly and in a timely manner; observance of rules, regulations, procedures, methods and instructions; organization of work.</td>
<td></td>
</tr>
<tr>
<td>Judgement &amp; Problem Solving: Ability to identify problem conditions, secure required data, reach logical and effective conclusions, understand constraints, and take effective corrective action.</td>
<td></td>
</tr>
<tr>
<td>Budget Management: Concern for efficiency of operations and cost effectiveness; appropriate documentation of expenditures; keeping expenditures within budgeted amounts.</td>
<td></td>
</tr>
<tr>
<td>Experience &amp; Knowledge: Degree to which employee possesses specific knowledge and skills (e.g. technical, procedural, policy or other) to perform well and handle complex aspects of the job.</td>
<td></td>
</tr>
<tr>
<td>Interpersonal Skills: Ability to establish and maintain effective working relationships with subordinates, superiors, peers and the public; to accept constructive criticism; to positively influence others.</td>
<td></td>
</tr>
<tr>
<td>Personal Qualities: Attributes which enhance successful performance and presentation of self to co-workers and public (i.e. attitude, appearance, self control, cooperativeness, integrity, sensitivity to others)</td>
<td></td>
</tr>
<tr>
<td>Communication (Written &amp; Verbal): Ability to organize and present information effectively; to make and support a point or conclusion, to actively listen; to communicate with a variety of audiences.</td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Organizational Skills: Ability to plan ahead and set realistic goals, objectives and priorities; to commit activities to a realistic schedule; to anticipate problems and future conditions.</td>
<td></td>
</tr>
</tbody>
</table>

Total General Performance Rating
Key Largo Wastewater Treatment District

EMPLOYEE PERFORMANCE EVALUATION

<table>
<thead>
<tr>
<th>Tasks &amp; Responsibilities Rating</th>
<th>General Performance Rating</th>
<th>Overall Performance Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds Requirements 54-60</td>
<td>108-120</td>
<td>162-180</td>
</tr>
<tr>
<td>Meets Requirements 36-53</td>
<td>72-107</td>
<td>108-161</td>
</tr>
<tr>
<td>Needs Improvement 6-35</td>
<td>12-73</td>
<td>18-107</td>
</tr>
</tbody>
</table>

Supervisor's General Comments:

Supervisor Signature________________________   Employee Signature________________________

Date____________   Date____________
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005
Agenda Item No. 10

[ ] PUBLIC HEARING
[X] DISCUSSION
[ ] GENERAL APPROVAL OF ITEM
[ ] Other

SUBJECT: DCA Inspection

RECOMMENDED MOTION/ACTION: Status Report

Approved by General Manager
Date: 9-25-05

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: $</th>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Review:</th>
<th>Engineering</th>
<th>Advertised:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] District Counsel</td>
<td>[ ] Clerk</td>
<td>Date:</td>
</tr>
<tr>
<td>[X] General Manager</td>
<td></td>
<td>Paper:</td>
</tr>
<tr>
<td>[X] Finance</td>
<td></td>
<td>[X] Not Required</td>
</tr>
</tbody>
</table>

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: Myles Anderson with DCA toured our project and met with staff this week.

Resulting Board Action:
☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: August 31, 2005
Agenda Item No. 10

[ ] PUBLIC HEARING [ ] RESOLUTION
[X] DISCUSSION [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA
[ ] Other

SUBJECT: MSTU Status

RECOMMENDED MOTION/ACTION: Discussion, Status report

Approved by General Manager
Date: 8-25-05

<table>
<thead>
<tr>
<th>Originating Department: General Manager</th>
<th>Costs: $</th>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding Source:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acct. #</td>
<td></td>
</tr>
</tbody>
</table>

Department Review:
[ ] District Counsel
[X] General Manager
[ ] Finance

[ ] Engineering
[ ] Clerk

Advertised:
Date: ________________
Paper: ________________
[X] 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 .35 mill MSTU ad valorem tax to operate the District has been revised to .3185 in the proposed county budget.

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT

GENERAL RULES AND REGULATIONS DRAFT

Feb 2, 2004
Revised February 28, 2005 by TMD
Reformatted July 14, 2005 by TMD
Revised August 12, 2005 by TMD

Provided by Com. Glenn Patton
# Key Largo Wastewater Treatment District

## General Rules and Regulations Draft #1

### Table of Contents

**ARTICLE I. GENERAL**

| Section 1.01 | District Description and Organization | 1 |
| Section 1.02 | District Service Area | 1 |
| Section 1.03 | District Board of Wastewater Commissioners | 1 |
| Section 1.04 | District General Manager | 1 |
| Section 1.05 | District Clerk | 1 |
| Section 1.06 | Office Location | 2 |
| Section 1.07 | Office Hours | 2 |
| Section 1.08 | Conducting Business with the District | 2 |
| Section 1.09 | District Meetings | 2 |
| Section 1.10 | Handicap Access to Meetings | 2 |
| Section 1.11 | Policy Development and Adoption | 3 |
| Section 1.12 | Access to Public Records | 3 |
| Section 1.13 | Limitation of Access to Records | 3 |

**ARTICLE II. DISTRICT PROCUREMENT OF GOODS AND SERVICES**

| Section 2.01 | Professional Design and Design/Build Services | 4 |
| Section 2.02 | Construction Services | 4 |
| Section 2.03 | Procurement Protest | 4 |

**ARTICLE III. PROVISION OF WASTEWATER SERVICE IN GENERAL**

| Section 3.01 | Availability of Wastewater Service | 6 |
| Section 3.02 | Wastewater Connections | 6 |
| Section 3.03 | Agreement for Service; General Conditions | 7 |
| Section 3.04 | Joint Service | 7 |
| Section 3.05 | Indebtedness | 7 |
| Section 3.06 | Change of Occupancy | 7 |
| Section 3.07 | Temporary Shut-Off of Wastewater Service | 8 |
| Section 3.08 | Duty to Make Payment | 8 |
| Section 3.09 | District Powers to Collect Amounts Due | 8 |
| Section 3.10 | Duty to Protect District Property | 9 |
| Section 3.11 | Tampering | 9 |
| Section 3.12 | Inspection of Customer Installation | 10 |
| Section 3.13 | Customer’s Duty to Maintain Installation | 10 |
| Section 3.14 | Customer Compliance with District Policies | 11 |
| Section 3.15 | District License to Enter upon Property | 11 |
| Section 3.16 | Right to Refuse Service | 11 |
| Section 3.17 | Discontinuance or Termination of Service | 11 |
| Section 3.18 | Notice of District Decision | 11 |

**ARTICLE IV. MANDATORY CONNECTION**

| Section 4.01 | Mandatory Connection Findings | 12 |
| Section 4.02 | Duty to Connect | 12 |
| Section 4.03 | Failure to Connect | 12 |

**ARTICLE V. CLASSES OF WASTEWATER SERVICE**

| Section 5.01 | Residential (Single Unit) Wastewater Service | 14 |
Section 5.02 Senior Citizens/Disabled American Veteran Wastewater Service .................................. 14
Section 5.03 Non-Residential (Single Unit) Wastewater Service ........................................... 14
Section 5.04 Multiple Unit Wastewater Service ...................................................................... 15

ARTICLE VI. PROVISION OF WASTEWATER SERVICE TO UNIMPROVED PARCELS ................................................................. 16
Section 6.01 Unimproved Parcel in an Improved Subdivision .............................................. 16
Section 6.02 Developer's Agreement for Future Wastewater Service ................................. 16
Section 6.03 Construction and Connection of Systems on Private Property ...................... 17

ARTICLE VII. EXTENSION OF WASTEWATER FACILITIES ............................................................ 18
Section 7.01 General ............................................................................................................. 18
Section 7.02 Planned Extension of Wastewater Facilities .................................................... 18
Section 7.03 Extension of Wastewater Facilities on Request ............................................ 18
Section 7.04 System Design; General Criteria .................................................................... 20
Section 7.05 Construction and Connection of Wastewater System on Private Property .... 21

ARTICLE VIII. WASTEWATER PRETREATMENT ........................................................................... 23
Section 8.01 Purpose and Policy ....................................................................................... 23
Section 8.02 General Requirements .................................................................................. 23
Section 8.03 Pretreatment Facility Requirements ............................................................... 24
Section 8.04 Permit Requirements .................................................................................... 24
Section 8.05 Monitoring and Reporting Requirements ....................................................... 25
Section 8.06 Sampling Requirements ................................................................................ 26
Section 8.07 Reviewing Industrial Monitoring Reports (IMR's) ........................................... 26
Section 8.08 Inspections .................................................................................................... 28
Section 8.09 Enforcement ................................................................................................. 28
Section 8.10 Accidental Discharge; Upset and Bypass ....................................................... 28
Section 8.11 Significant Industrial User Listing ................................................................. 31
Section 8.12 Notification of Applicable Standards and Requirements .............................. 31
Section 8.13 Records Management ................................................................................... 31
Section 8.14 Annual Reporting of Pretreatment Program ................................................ 32

ARTICLE IX. FEES AND CHARGES ........................................................................................... 33
Section 9.01 Plan Review Fee ............................................................................................. 33
Section 9.02 System Development Charge (SDC) ............................................................... 33
Section 9.03 Service Installation Fee .................................................................................. 36
Section 9.04 Monthly Customer Fees ............................................................................... 36
Section 9.05 Pretreatment Fees ......................................................................................... 36
Section 9.06 Relocation of Vacuum Valve Chamber or Accessories ................................. 37
Section 9.07 Returned Check/Bank Draft/Dishonored Credit Card Charge ..................... 37
Section 9.08 Tampering Charge ........................................................................................ 38
Section 9.09 Service Charges ............................................................................................ 38
Section 9.10 Wastewater Main Extension Reimbursements .............................................. 39
Section 9.11 Special Assessments ...................................................................................... 39

ARTICLE X. BILLING AND PAYMENT FOR SERVICE ................................................................. 41
Section 10.01 FKAA billing ................................................................................................. 41
Section 10.02 Billing Period; Due Date ............................................................................. 41
Section 10.03 Description of Monthly Billing Charges .................................................... 41
Section 10.04 Bank Drafts ................................................................................................ 41
Section 10.05 Returned checks ........................................................................................... 41
Section 10.06 Delinquent Accounts .................................................................................. 42
Section 10.07 Billing Disputes; Mistakes ......................................................................... 42
Section 10.08 Abatement of Wastewater Flow Charges .................................................... 43
Section 10.09 Credit Card Payments .................................................................................. 43
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 KLVTD 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. OGI's 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 OGI's require prior written approval from the District. All OGI's must be maintained to meet the District's Discharge Standards and are subject to surcharges for noncompliance with Conventional Pollutants. OGI's 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) IWWD 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 (TOG)** 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
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 62-825.200, 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) $tbd minimum, plus

(2) $tbd 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 calculated as follows:

(i) For Residential Wastewater Service to a facility, the sum of:

1) $1,700 per Dwelling Unit for the Wastewater Treatment Plant (WWTP) Capacity; and

2) $1,000 per Dwelling Unit for the Force Main – Pipe Capacity; and

3) $2,070 for connection to the Wastewater System.

(ii) For Non-Residential Wastewater Service, the sum of:

1) $1,700 per EDU for the Wastewater Treatment Plant (WWTP) Capacity; and

2) $1,000 per EDU for the Force Main – Pipe Capacity; and

3) $2,070, or actual cost of connection, whichever is greater, for connection to the Wastewater System.

(iii) For purposes of calculating SDC’s, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.

(iv) Wastewater Service to hotels, motels, and facilities regulated under Chapter 513, F.S., and other similar facilities is Non-Residential Wastewater Service.

(v) The Initial SDC rates shall be increased annually according to the Consumer Price Index.

(16) The District may collect SDC’s through the imposition of non-ad valorem assessments.

---

1 Section 9.02(15) added by Rule Change No. 4, 7/20/05.
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 applicable to all customers:

(i) Wastewater Service Base Facility Charge - $33.60 per EDU or Dwelling Unit per month.

(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) Residential Wastewater Service: $5.27 per thousand gallons (ptg) billed up to a maximum of 12,000 gallons of metered water consumption per month.

(ii) All other classes of service: $5.27 per thousand gallons (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: $44.14

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.

Section 9.04 added by Rule Change No. 5, 7/20/05.
(ii) Other Industrial Users (IU's) requiring an Industrial Wastewater Discharge Fee will be billed $\text{bdl}$ 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 $\text{bdl}$ on an 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) 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:

\[ \text{IWS} = 8.34 \times V \times \{0.45 \times \text{(BOD} - 250) + 0.18 \times Y \times \text{(SS} - 250) + 1.46 \times Z \times \text{(OG} - 150)\} \]

\[8.34 = \text{Conversion factor of 1 milligram per liter (mg/l) = 8.345 lbs/million gallons}\]
\[V = \text{Volume in million gallons per month based on metered water}\]
\[\text{BOD} = \text{Biochemical Oxygen Demand of industrial waste (5 days @ 20 Celsius, in mg/l)}\]
\[\text{SS} = \text{Suspended Solids of industrial waste in mg/l}\]
\[\text{OG} = \text{Oil and Grease in mg/l}\]
\[X = \text{Capital and operating costs per mg/l per million gallons for BOD greater than 250 mg/l}\]
\[Y = \text{Capital and operating costs per mg/l per million gallons of Suspended Solids greater than 250 mg/l}\]
\[Z = \text{Capital and operating costs per mg/l per million gallons of oil or grease greater than 150 mg/l}\]

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 FKAA 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 FKAA 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, cashier’s 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 [tbd].

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.


(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) "Laundromat" means a business that provides commercial self-service and non-self-service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination.
(61) "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.

(62) "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).

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

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

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

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

(68) "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.

(69) "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.

(70) "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.

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

(72) "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.

(73) "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.

(74) "Operating Cost" means all or any portion of the expenses that are properly attributable to providing Services under generally accepted accounting principles.

(75) "Owner" means a Person who is the record owner of any Premises.

(76) "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.

(77) "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.

(78) "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.

(79) "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.

(80) "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.

(81) "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.

(82) "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.

(83) "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 I.

(84) "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.

(85) "Property Appraiser" means the Property Appraiser of Monroe County.

(86) "Related Service" means the operation and maintenance of a Utility Improvement.

(87) "Residential Service" means Service intended strictly for Dwelling Unit use.

(88) "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.

(89) "SDC" see System Development Charge.

(90) "SIU" see Significant Industrial User.

(91) "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.

(92) "Sanitary Conveniences" means facilities such as toilets, urinals, sinks, showers, bathtubs, and bidets which Discharge Wastewater to the Wastewater System.
(93) "Sanitary Wastewater" means Wastewater Discharged from the Sanitary Conveniences of dwellings, office buildings, industrial plants, or institutions.

(94) "Senior Citizen Service" means the class of service designated for qualifying Senior Citizens and Disabled American Veterans. See Section 5.02.

(95) "Service" means the readiness to accept, or the acceptance of Wastewater from a Customer at a Point of Service by the District.

(96) "Service Charge" means the charge assessed customers, per event, when the District travels to the premises or for administrative processing by the District.

(97) "Service Connection" means the physical attachment of the District's facilities to those facilities of any property through which Wastewater Service is deliverable.

(98) "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.

(99) "Service Installation Fee" shall be based on the estimated cost of activities associated with construction of a Wastewater Service Lateral.

(100) "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.

(101) "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.

(102) "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.

(103) "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.

(104) "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.

(105) "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.).

(106) "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.

(107) "South Florida Water Management District" is an agency created by Chapter 373.069, Florida Statutes.

(108) "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.

(109) "State" means the State of Florida.

(110) "Suspended Solids" means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

(111) "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.

(112) "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.

(113) "Tax Collector" means the Tax Collector of Monroe County.

(114) "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 it's 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.

(115) "User" means any Person responsible for the Discharge of Wastewater into a Wastewater System.

(116) "Utility Improvement" means a capital improvement constructed or installed by the District for the special benefit of a neighborhood, district or other benefited area.

(117) "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.

(118) "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.

(119) "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.

(120) "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.

(121) "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 [tbd].

**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.

(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.


(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.


(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").


(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

(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.