December 21st

2005
KEY LARGO WASTEWATER TREATMENT DISTRICT
BOARD OF COMMISSIONERS

AGENDA

Wednesday, December 21, 2005 at 5:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

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

5 pm
A. CALL TO ORDER

5:01
B. PLEDGE OF ALLEGIANCE

5:02
C. ROLL CALL

5:03
D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS

5:10
E. PUBLIC COMMENT

5:15
F. PUBLIC HEARING
1. RESOLUTION NO. 20-12-05
   A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.  
   (Action)

G. COMMISSIONER ITEMS

H. BULK ITEMS
   2. K LWTD Board Meeting minutes of Dec. 7, 2005 (Action)

I. FINANCIAL OFFICER’S REPORT
   3. Pending Payments List (Action)
   4. K LWTD Liability Insurance Status

J. LEGAL COUNSEL REPORT
   5. RESOLUTION NUMBER NO. XX-XX-XX
      A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ESTABLISHING INITIAL MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.
   6. RFQ for Billing  (Action)
   7. One Year Notice to Calusa Camp Ground (Action)
   8. RESOLUTION 21-12-05
      A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE KEN SORENSEN TO AMEND THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO PROVIDE THAT DISTRICT WASTEWATER CHARGES SHALL BECOME A LIEN UPON REAL PROPERTY  
      (Action)

K. ENGINEER’S REPORT
   9. Residential Lateral Connection Status

L. GENERAL MANAGER’S REPORT
   10. New Administrative Assistant Position
   11. New Employment Agreement for General Manager

M. COMMISSIONER NEW ITEMS AND ROUNDTABLE

N. ADJOURNMENT
Meeting Date: December 21, 2005

[X] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] ORDINANCE ON FIRST READING
[ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM
[ ] CONSENT AGENDA

Other:

SUBJECT: Resolution No. 20-12-05 electing to use the uniform method of collecting non-ad valorem special assessments.

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-15-05

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<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: $</th>
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</thead>
<tbody>
<tr>
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<td>Funding Source:</td>
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Department Review:

[X] District Counsel

[X] General Manager

[ ] Finance

[ ] Engineering

[X] Clerk

Advertised:

Date: 11/21, 11/28, 12/5, 12/12,
Paper: KWC
Date: 11/23, 11/30, 12/7, 12/14
Paper: FP

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 X or
Not applicable in this case

Please initial one.

Summary Explanation/Background: This is a duplicate of the District's resolution last year to impose a special assessment for wastewater projects. The intent is to assess the properties benefiting from the northern components project. This is not a decision to impose the special assessment but it gives the District the option to in 2006.

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
RESOLUTION NO. 20-12-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District (the "District") is contemplating the imposition of special assessments for the provision of wastewater management services;

WHEREAS, the District intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing wastewater management services to property within the unincorporated area of the District as authorized by section 197.3632(3)(a), Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2006, in the same manner as provided for ad valorem taxes; and

WHEREAS, the District held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF KEY LARGO, FLORIDA, THAT:

Section 1. Commencing with the Fiscal Year beginning on October 1, 2006, and with the tax statement mailed for such Fiscal Year, the District intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632(3)(a), Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing wastewater management services. Such non-ad valorem assessments shall be levied within the unincorporated area of the District. The area potentially subject to the assessment is described as follows:
The territory consisting 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 2. The District hereby determines that the levy of the assessments is needed to fund the cost of wastewater management services within the unincorporated area of the District.

Section 3. Upon adoption, the Board Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Monroe County Tax Collector, and the Monroe County Property appraiser by January 10, 2006.

Section 4. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 21st day of December, 2005.

THE REST OF THIS PAGE IS LEFT BLANK INTENTIONALLY
The foregoing RESOLUTION NO. 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>
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</thead>
<tbody>
<tr>
<td>Gary Bauman</td>
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<tr>
<td>Claude Bullock</td>
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<td>Andrew Tobin</td>
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<td>Charles Brooks</td>
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<tr>
<td>Glenn Patton</td>
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</tbody>
</table>

The Chairman thereupon declared Resolution No. 20-12-05 duly passed and adopted the 21st day of December, 2005.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: ______________________________
    Chairman Patton

ATTEST: ______________________________
        Approved to as to form and legal sufficiency

Carol Walker, Clerk

District Counsel, Thomas Dillon

SEAL

Page 3
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: December 21, 2005

Agenda Item No. 2

[ ] PUBLIC HEARING

[ ] RESOLUTION

[ ] DISCUSSION

[ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM

[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Minutes of December 7, 2005 Board Meetings

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

Approved by General Manager

Date: 12-15-05

Originating Department:
Board Clerk

Costs: Approximately $0

Funding Source:

Acct. #

Department Review:
[ ] Engineering

[ ] Clerk

[ ] Finance

Attached:

Minutes DEC. 07, 2005

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

December 7, 2005
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 7, 2005 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

Approval of the Agenda
Chairman Patton requested that Items I 5 & I 6 be moved to the front of the agenda. He also requested that a Manager’s Report on Calusa Campground be added as K 7.

Commissioner Bullock requested that K10 be made F 2.

Tom Dillon District Counsel requested that a discussion on Homeowner’s Parks be added as I 8.

MOTION: Commissioner Bauman made a motion to approve the agenda as amended. Commissioner Bullock seconded the motion.

Vote on motion

<table>
<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
<th>NO</th>
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<td>Chairman Patton</td>
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Motion passed 5 to 0

Public Comment
The following persons addressed the Commission: No public comment at this meeting.
One-Year Notice to Calusa Campground
Commissioner Bullock asked what the impact would be on the District’s budget if Calusa had to put in their own system instead of the District doing it. Mr. Dillon responded by explaining that the budget would be improved.

Chairman Patton explained that the current KLWTD Rules and Regulations say that the District does not go on private property. If a Park falls under 513 then the Rules and Regulations now state that they will be charged according to their flow.

Mr. Dillon, District Counsel, stated that the KLWTD Rules and Regulations are currently a draft. The Board has the authority and the opportunity to think about how they want to treat hotels, motels, and RV parks. Mr. Dillon explained to the Board that if they want to come up with a different way to charge the hotels, motels, and RV parks an assessment no precedent has been set yet. He further explained that the Rules are not final and the Board has the authority to do what is fair and reasonable based on substantial evidence in the record.

Commissioner Bullock would like the Board to consider putting in a caveat in the one-year notice that says if a lot is converted to a single-family lot then it converts to one EDU.

Commissioner Bauman suggested that instead of the one-year notice having two different subjects a letter should be sent to the Homeowner’s Association covering Commissioner Bullock’s concerns.

Commissioner Tobin would like to see all of the rate issues dealt with in one document. He does not have a real philosophical problem with charging Calusa Campground by flow but he would like to see how all of the RV Parks work. Commissioner Tobin would like staff to come back with a report and a recommendation.

Mr. Dillon said that he had asked Nabors, Giblin if Calusa Campground had to be treated the same as hotels, and motels and they said yes because they have a permit under 513.

Commissioner Brooks asked if the rate issue is going to be brought up and is the Board going to change the rates that have already been adopted.

Mr. Dillon stated that they have been approved in draft form.

Commissioner Brooks stated that he sees problems with passing a separate rate resolution. He asked which has priority the resolution or the Rules and Regulations.

Mr. Dillon explained that the last one adopted takes precedence.

Mr. Dillon asked for clarification: One, the Board wants to take the rates out of the Rules and Regulations and address them by resolution, two, the Board wants Mr. Dillon to
contact Nabors Giblin to assist in what should be in the rate resolution, three, is Calusa Campground a Park, four, is Silver Shores the same as Calusa Campground.

Commissioner Tobin made a motion to approve the one-year notice to Calusa Campground and Commissioner Bauman seconded the motion. After discussion from the Board the motion was withdrawn.

Commissioner Brooks stated that in the one-year notice the last paragraph states that the property owner has to get a permit and abandon their system. They do not have systems and the Association has to pull the permit. This just raises the pressure on the property owners. Commissioner Brooks would like to see the letter state that the Association is the one to pull the permits.

Mr. Dillon explained that the letter in the agenda package is not the letter that had been rewritten at the Board’s request.

The Board elected to table the matter until the next meeting.

**Commissioner Items**

*Discussion of Treatment Plant Expansion and Federal Funding.*

Charles F. Fishburn, General Manager reviewed him memo that was in the agenda package and told the Board that the FONSI for the expansion is being held up environmentally. The $500,000 should come some time next year.

Commissioner Bullock expressed concern over the Army Corps wanting say over the entire K LWTD Project. He was concerned that the District does not have a green light permit for the expansion yet.

Commissioner Brooks clarified that there is a document that states that Monroe County will do the mitigation for the District.

Commissioner Bullock stated that the District should go forward with the documents, let it work through the system, get the documents signed, and bring the projects up to speed to get the District’s $29.5 million as time goes on.

The Board directed staff to go forward with making a case for obtaining the additional 1.6 acre of land for the plant expansion.

**Designated Board Seats for Election**

Commissioner Bauman was concerned that there would not be enough community spirited people in Key Largo to run for the Seats and one may go unfulfilled. He would like to see the District go through one more election at large and see what type of qualified candidates turn out.

Commissioner Bullock could support either way.
Commissioner Brooks supports the Designated Seats. The only qualification should be the willingness to serve.

Commissioner Tobin stated that he has mixed emotions about the subject. Some people like the non-adversarial election.

Chairman Patton would like to keep it at-large.

**MOTION:** Commissioner Brooks made a motion to change the election process to Designated Seats. Commissioner Bullock seconded the motion.

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Motion failed 1 to 4

**Bulk Items**

*Minutes of November 16, 2005*

**MOTION:** Commissioner Bullock made a motion to approve the minutes of November 16, 2005. Commissioner Bauman seconded the motion.

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Motion passed 5 to 0

Commissioner Bauman was excused from the meeting at 6:55 PM.

**Financial Officer’s Report**

*Pending Payments List of December 7, 2005*

Martin Waits presented the pending payments list.

Commissioner Brooks expressed concern that he had not had time to read the Pending Payments list and would not be voting for approval of it.
MOTION: Commissioner Tobin made a motion to approve the pending payment list of December 7, 2005 contingent upon availability of funds. Commissioner Bullock seconded the motion.

Vote on motion

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<th>MEMBER</th>
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Motion passed 3 to 1

Staff was directed to report back to the Board on the insurance limits and rates.

Legal Counsel Report

RFQ for Billing

After discussion from the Board members it was decided to have Chairman Patton work with Tom Dillon and they would contact companies and outline specific scopes of the KLWTD Projects with them.

Trustee for Employees 401K Plan

MOTION: Commissioner Bullock made a motion to appoint Martin Waits as the Trustee for the Employees 401K Plan. Commissioner Tobin seconded the motion.

Vote on motion

<table>
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Motion passed 4 to 0

Homeowner Association Parks

Mr. Dillon explained that there have been two requests from Homeowner Association Parks to exempt their parks from the Wastewater Assessment.

Commissioner Tobin suggested that the Homeowner Associations pass a resolution asking for an exception, agreeing that the land will not be develop, and if it is developed they will pay full price for a hook up. The District Counsel should develop a form for exemption.

Engineer’s Report

Monthly Report

Ed Castle reviewed the monthly report that he submitted in the agenda package.
Mr. Castle reported that it was decided at the FDEP meeting that only one deep well will be required for the KLWTD Treatment Plant.

After a discussion on the process of getting permits to put in the property owners laterals the Board directed staff to submit recommendations on streamlining the permitting process for homeowners.

Manager’s Report
Board Meeting Dates for 2006

MOTION: Commissioner Bullock made a motion to approve the first and third Wednesday of each month except for July and August which will be the second and fourth Wednesday of those months for the regular meeting dates for 2006. Commissioner Tobin seconded the motion.

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<td>Chairman Patton</td>
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Motion passed 4 to 0

Commissioner Brooks wanted to make sure that the meetings would be advertised in the local papers during the year. The Clerk assured Commissioner Brooks that they will be advertised locally on a monthly basis.

Commissioner’s New Items and Roundtable
Commission Bullock wanted to remind the Board that they need to continue to move forward with the Rules and Regulations.

Chairman Patton assured Commissioner Bullock that the Rules and Regulation will be changed to agree with the resolutions setting fees in the future.

Commissioner Tobin feels that “how to determine an EDU” should be in the rate resolution. He would like anything to do with rates in one document. Chairman Patton feels that it should be in the Rules and Regulations.

Adjournment
The KLWTD Board adjourned the meeting at 8:24 PM.
The KLWTD meeting minutes of December 7, 2005 were approved on December 21, 2005

Chairman Glenn Patton

Carol Walker, CMC
Board Clerk
TAB 3
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: December 21, 2005

Agenda Item No. 3

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

[ ] Other:

SUBJECT: Pending Payments list for December 21, 2005

RECOMMENDED MOTION/ACTION: Motion to approve pending payments list for December 21, 2005 contingent upon available funds.

Approved by General Manager
Date: 12-16-05

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<td>Finance</td>
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| Costs: $ |
| Funding Source: |
| Acct. # |

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<tbody>
<tr>
<td>[ ] District Counsel</td>
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<tr>
<td>[X] General Manager</td>
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<td>Finance</td>
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| [ ] Engineering |
| [ ] Clerk |

| Attachments: Pending Payments List |

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<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Paper:</td>
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<tr>
<td>[X] Not Required</td>
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</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:

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
CONSOLIDATED CASH BALANCE FORWARD

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<td>Plus: MSTU Draw #13</td>
<td>58,064.38</td>
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<td>Service Fees</td>
<td>1,600.00</td>
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<td><strong>Sub-total Receipts</strong></td>
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<td>Less: FMIT - Health Insurance Premium (December)</td>
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<td>Grau &amp; Associates - Audit Progress Billing</td>
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<td>Federal Express - Deliveries</td>
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<td>FL Dept. of Mgmt. Svcs. - Office Phones</td>
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<td>Airvac - Gravity Air Intake Screens</td>
<td>600.00</td>
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<td>Postmaster - P.O. Box Fee (2006)</td>
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<td>Key Breeze Engraving - Name Plate</td>
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<td>Sprint - Cell Phones</td>
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<td>America General - Cleaning Service</td>
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<td>Board Compensation - November</td>
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<td>Staff Salaries - November</td>
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<td>Payroll Benefits - November</td>
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Cash Balance A&O Account If All Paid $150,916.05

Key Largo Park

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<td>Cash Balance KLP Account Forward</td>
<td>($430,486.02)</td>
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<tr>
<td>Less: ADB - November</td>
<td>277,460.86</td>
</tr>
<tr>
<td>Staff Salaries (incl. benefits) - November</td>
<td>7,068.74</td>
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<tr>
<td><strong>Sub-total Invoices</strong></td>
<td><strong>284,529.60</strong></td>
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Cash Balance KLP Account If All Paid $715,014.62

Key Largo Trailer Village

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<tbody>
<tr>
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<td>$54,950.35</td>
</tr>
<tr>
<td>Less: Airvac - 3' Valves &amp; Breathers, Field Services</td>
<td>10,490.85</td>
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<tr>
<td>Haskell - November</td>
<td>135,780.93</td>
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<td>Staff Salaries (incl. benefits) - November</td>
<td>4,374.49</td>
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<td><strong>Sub-total Invoices</strong></td>
<td><strong>151,245.27</strong></td>
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Cash Balance KTV Account If All Paid $96,295.92

North Key Largo Development

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<tr>
<td>Cash Balance KLNC Account Forward</td>
<td>932,204.63</td>
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<tr>
<td>Plus: SRF Loan Proceeds</td>
<td>250,000.00</td>
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<tr>
<td>Less: Staff Salaries (incl. benefits) - November</td>
<td>1,146.81</td>
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<tr>
<td><strong>Cash Balance KLNC Account If All Paid</strong></td>
<td><strong>1,181,057.82</strong></td>
</tr>
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CONSOLIDATED CASH BALANCE IF ALL PAID $575,613.68

**NOTE: A TOTAl OF $993,024 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING**

Approved for payment:

---

Glenn Patton, Chairman

Andrew Tobin, Secretary
TAB 4
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 4

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

SUBJECT: KLWTD Liability Insurance Status

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 12-16-05

<table>
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<tr>
<th>Originating Department: Finance</th>
<th>Costs: $</th>
<th>Attachments: Memo</th>
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<tr>
<td></td>
<td>Acct. #</td>
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</tbody>
</table>

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

| [ ] 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

Summary Explanation/Background: Staff is reviewing our liability insurance costs and coverage. A verbal update will be presented at the Board Meeting.

Resulting Board Action:
☑ Approved    ☐ Tabled    ☐ Disapproved    ☐ Recommendation Revised
Martin Waits

From: Thomas M Dillon [lawmd@bellsouth.net]
Sent: Thursday, December 08, 2005 2:30 PM
To: "Martin Waits"
Cc: "Carol Walker"; "Chuck Fishburn"
Subject: Insurance premiums

Marty,

At your request I have reviewed the insurance declarations and policies provided by the Florida Municipal Insurance Trust.

I note that the coverage provided appears to be based on District payroll ($385,090.) It is difficult for me to understand how payroll is a proxy for the risk covered by the insurance. Nevertheless, I understand that Seitzlin was unable to obtain similar coverage that was competitively priced with District coverage.

I note also that the General/Professional liability limit is $5,000,000, which is far in excess of the District's exposure, taking into consideration the limitation on liability of state agencies, including special districts, under § 768.28 F.S. The limitation of liability is $100,000/plaintiff and $200,000/occurrence. There may be an opportunity to realize savings by selecting a lower limit of liability. However, I would not recommend reducing the limit to the statutory maximum; I would think that $300,000 per plaintiff, $500,000 per occurrence would be more than adequate.

I note also that the deductible amounts for each type of coverage other than "supplemental employment practices liability" is $0, and that the deductible amount for "supplemental employment practices liability" is $2,500. The first dollars of insurance coverage are the most expensive. There may be an opportunity to realize savings by selecting a higher deductible. Normally, selecting a higher deductible will result in greater savings than selecting a lower limit of liability. Also, the District should consider setting aside funds to cover deductibles in an amount equal to 200% of the deductible.

It is not clear to me why the District has medical attendants' medical directors' malpractice liability coverage, given that the District does not have medical attendants or a medical director.

I suggest that we try to get a breakdown of premiums and coverage options so that the Board can decide whether to eliminate some types of coverage or to reduce policy limits or raise deductibles.

Tom

Thomas M. Dillon

12/8/2005
TAB 5
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 5

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing
[ ] ORDINANCE ON FIRST READING
[ ] GENERAL APPROVAL OF ITEM
[ ] Other:

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

SUBJECT: A draft resolution establishing initial monthly rates and charges.

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 12-15-05

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<td>Department Review:</td>
<td>[ ] Engineering [ ] Clerk</td>
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<tr>
<td>District Counsel</td>
<td>Advertised: No necessary</td>
<td></td>
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<tr>
<td>General Manager</td>
<td>Yes I have notified everyone ___ ___</td>
<td></td>
</tr>
<tr>
<td>Finance</td>
<td>or Not applicable in this case ________</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Please initial one.</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: District Staff and Consultants have carefully considered the monthly base charge for all customers and propose the attached resolution.

Resulting Board Action:
☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
SECTION 3

WASTEWATER RATE DESIGN

RATE DESIGN

Rate design involves the calculation of monthly rates and charges for each customer classification (i.e., residential, commercial, etc.). The goal of this task is to establish a pricing structure or formula to recover the total revenue requirements of the utility system in an equitable manner, consistent with the cost of providing service, regulatory guidelines, overall revenue stability, and the utilities’ fiscal and pricing policies. The proposed utility rates, to the extent practical, should meet the following criteria for service provided by publicly owned utilities:

- Utility rates should be based on a policy that calls for the lowest possible prices consistent with the requirements of providing quality service on an ongoing basis.
- Utility rates should be simple and understandable.
- Utility rates should be equitable among customers, taking into consideration the cost of providing service to the various users of the system.
- Utility rate and cost recovery strategies should recognize the system’s current financial needs, when rates were last adjusted, and where possible help develop approaches to avoid "rate shock" in the future.
- Utility rates should be designed to encourage the most efficient use of the utilities’ utility plant investment and discourage unnecessary or wasteful use of resources.
- Utility rates should comply with applicable orders and requirements of state and federal regulatory authorities, if any, that may have jurisdiction.

Other considerations that have an effect on the design of the user fees include revenue stability, historical rate form, and competitiveness with neighboring utility systems.

In order to make a reasonable determination of the projected revenues from each customer classification, it is beneficial to have a customer bill frequency analysis. The bill frequency analysis summarizes the number of bills rendered at various consumption levels for each customer classification, and provides a way to analyze the effect of any change in rates.

On behalf of the KLWTD, the Florida Keys Aqueduct Authority (FKAA) provided PRMG with customer and sales information by customer classification and service type on a monthly basis for the thirty-six (36) month period from January 2002 through December 2004. The billing information is used to develop a bill frequency analysis for the wastewater system. This bill frequency analysis is used to develop a projection of detailed billing determinants for those
RESOLUTION NUMBER NO. XX-XX-XX

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ESTABLISHING INITIAL MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District has sought and carefully considered advice from District staff and consultants regarding the anticipated costs of wastewater collection, transmission, treatment, and disposal; and

WHEREAS, the District desires to adopt and implement rates and charges to allocate among its customers the costs of wastewater collection, transmission, treatment, and disposal, including establishment of funds, as appropriate, for repair and replacement of facilities;

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 Volume" means monthly water consumption volume as adjusted under Section 3.01.B, Section 3.02.B, Section 3.03.B, or Section 3.04.B.

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

"Commercial Accommodation" means a hotel, motel, or other similar facility, or a facility regulated under chapter 513, Florida Statutes. The fact that a facility may include one or more units that are made available as housing for facility staff or employees does not remove the facility from the class of Commercial Accommodation, and all units that are a part of a hotel, motel, or other similar property, or a property regulated under chapter 513, Florida Statutes, are deemed to be a part of the Commercial Accommodation.

"Commercial Accommodation Wastewater Service" means wastewater service to a Commercial Accommodation.

"District" means the Key Largo Wastewater Treatment District.
“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), or one mobile home or 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.

“FKAA” means the Florida Keys Aqueduct Authority.

“Mixed-Use Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where one or more connections from the water meter leads to a Dwelling Unit and one or more connections from the water meter leads to a premises that is not a Dwelling Unit or a Commercial Accommodation.

“Monthly Commercial Accommodation Base Charge” means the recurring monthly charge imposed upon Commercial Accommodation customers, as calculated under Section 3.04.A.

“Monthly Commercial Accommodation Volumetric Charge” means the recurring monthly charge imposed upon Commercial Accommodation customers, as calculated under Section 3.04.B.

“Monthly Mixed-Use Base Charge” means the recurring monthly charge imposed upon non-residential customers, as calculated under Section 3.03.A.

“Monthly Mixed-Use Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.03.B.

“Monthly Non-Residential Base Charge” means the recurring monthly charge imposed upon non-residential customers, as calculated under Section 3.02.A.

“Monthly Non-Residential Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.02.B.

“Monthly Residential Base Charge” means the recurring monthly charge imposed upon residential customers, as calculated under Section 3.01.A.

“Monthly Residential Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.01.B.
“Monthly Volume” means the volume of water (in gallons) consumed by a customer in a month, calculated from FKAA consumption records.

“Non-Residential Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where each connection from the water meter leads to a premises that is not a Dwelling Unit or a Commercial Accommodation.

“Rate Resolution” means this resolution.

“Residential Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where each connection from the water meter leads directly to a Dwelling Unit.

“State” means the State of Florida.

“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, as amended), the Key Largo Wastewater Treatment District possesses, among other powers, the powers to:

1. Perform such acts as shall be necessary for the sound 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;

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

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

B. The District has sought the advice of District staff and consultants to provide advice as to the rates necessary and appropriate to the sound operation and management of the District and its Wastewater Management Facilities.

C. The rates established by this Resolution has been the subject of considerable research into the projected revenue requirements of the District funds for operations, including maintenance and repair functions, to establish reserves for operational needs, including replacement of facilities, and to carry on the business functions of the District, including employment of personnel and consultants, insurance, and other functions.

D. Among other things, the Board contracted with Public Resources Management Group, Inc. (“PRMG”) to conduct a study and make recommendations as to wastewater rates. 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.

E. In July 2005, the District entered into an interlocal agreement with Monroe County under which the District will receive grant funds to assist in expansion of the District’s Wastewater Management Facilities include facilities to be constructed in an area of the island of Key Largo generally north of MM 100, and known as the “North Components.” Among other things, the interlocal agreement prohibits the District, except as may be required by applicable law, from permitting connections to, or furnishing any services afforded by, the North Components without making a charge therefore based on the District's connection policies.
F. At the regular District meeting of December 7, 2005, the Board of Commissioners directed District Staff to make recommendations as to a rate structure and to prepare a rate resolution.

G. The rates established by this resolution will result in fair and reasonable apportionment of costs among the District’s customers.

H. The rates established by this Rate Resolution are imposed by the District, and not Monroe County.

I. The District intends to review the rates imposed under this Rate Resolution from time to time and will amend, modify, and supplement it as necessary and appropriate.

J. This Rate Resolution is limited to District rates, fees, and charges for normal monthly wastewater service. This Rate Resolution does not address plan review fees, service charges, pretreatment fees, filing fees, or other types of charges other than the direct charges to be imposed for wastewater service. Such rates, fees, and charges will be addressed in a separate resolution.

ARTICLE III
FEES AND CHARGES FOR WASTEWATER SERVICE

SECTION 3.01. RESIDENTIAL WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Residential Base Charge: $33.60 per Dwelling Unit receiving water service through a single FKAA water meter.

B. Monthly Residential Volumetric Charge: $5.27 per 1,000 gallons of water consumed.

1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.

2. The Monthly Residential Volumetric Charge will be calculated as follows:
   a. Divide the monthly consumption (in gallons) by 1,000;
   b. Adjust the result to the next higher whole number (provided that in no case will the result be increased to a number greater than 12) to arrive at Adjusted Volume;
   c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Residential Base Charge and the Monthly Residential Volumetric Charge for that month.
SECTION 3.02. NON-RESIDENTIAL WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Non-Residential Base Charge. $33.60 per Equivalent Dwelling Unit. The number of Equivalent Dwelling Units for purpose of determining the Monthly Non-Residential Base Charge is calculated from historic FKAA consumption records, as follows:

1. Review the consumption records for the FKAA water meter to determine the highest three-consecutive-month usage in the three calendar years ending on the last day of the year prior to the year in which the calculation is made;

2. Divide the consumption (in gallons) for the highest three-consecutive-month period by three to determine average monthly consumption;

3. Divide the average monthly consumption by 5,010;

4. Adjust the result to the next higher one-tenth.

B. Monthly Non-Residential Volumetric Charge: $5.27 per 1,000 gallons of water consumed.

1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.

2. The Monthly Non-Residential Volumetric Charge will be calculated as follows:
   a. Divide the monthly consumption (in gallons) by 1,000;
   b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;
   c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Non-Residential Base Charge and the Monthly Non-Residential Volumetric Charge for that month.

SECTION 3.03. MIXED-USE WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Mixed-Use Base Charge: The Monthly Mixed-Use Base Charge is calculated as follows:

1. Calculate the number of Equivalent Dwelling Units served through the water meter as in Section 3.02.A, above.

2. Calculate the number of Dwelling Units served through the water meter.

3. The Monthly Mixed-Use Base Charge is $33.60 multiplied by the greater of
a. The number of Equivalent Dwelling units served through the water meter as calculated in Section 3.03.A.1, above, or
b. The number of Dwelling Units served through the water meter plus one.

B. Monthly Mixed-Use Volumetric Charge: $5.27 per 1,000 gallons of water consumed.
   1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.
   2. The Monthly Mixed-Use Volumetric Charge will be calculated as follows:
      a. Divide the monthly consumption (in gallons) by 1,000;
      b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;
      c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Mixed-Use Base Charge and the Monthly Mixed-Use Volumetric Charge for that month.

SECTION 3.04. COMMERCIAL ACCOMMODATION WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Commercial Accommodation Base Charge: The Monthly Commercial Accommodation Base Charge is calculated as follows
   1. Calculate the number of Equivalent Dwelling Units served through the water meter as in Section 3.02.A, above.
   2. Count the number of hotel rooms, motel rooms, or other similar accommodations comprising the facility.
   3. Count the number of RV spaces, tent camping spaces, and mobile home spaces comprising the facility.
   4. Count the number of Calculate the number of units made available as housing for facility staff or employees.
   5. The Monthly Commercial Accommodation Base Charge is $33.60 multiplied by the greater of
      a. The number of Equivalent Dwelling units served through the water meter as calculated in Section 3.04.A.1, above, or
b. The total number of hotel rooms, motel rooms, other similar accommodations, RV spaces, tent camping spaces, mobile home spaces, units made available as housing for facility staff or employees comprising the facility.

B. Monthly Commercial Accommodation Volumetric Charge: $5.27 per 1,000 gallons of water consumed.
   1. The monthly volume will be calculated from meter data provided to the District by the FKAA.
   2. The Monthly Commercial Accommodation Volumetric Charge will be calculated as follows:
      a. Divide the monthly consumption (in gallons) by 1,000;
      b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;
      c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Commercial Accommodation Base Charge and the Monthly Commercial Accommodation Volumetric Charge for that month.

ARTICLE IV

ADJUSTMENT OF FEES AND CHARGES

SECTION 4.01. ADJUSTMENT OF FEES AND CHARGES FOR WASTEWATER SERVICE. It is the policy of the District to permit customers to question and seek adjustments to certain types of charges, as follows:

A. Monthly Base Charges. The District shall calculate the Monthly Residential Base Charge, the Monthly Non-Residential Base Charge, the Monthly Mixed-Use Base Charge, and the Monthly Commercial Accommodation Base Charge (collectively, “monthly base charge”) applicable to a customer based on all available information. The District will consider adjusting the monthly base charge for a customer for future months, where either:
   1. The use of the property changes, such that the calculation of the monthly base charge would be changed, or
2. The customer's consumption of water through an FKAA meter reflects a long-term (12 months or more) change in the pattern of consumption, such that the calculation of the monthly base charge would be changed.

Adjustments to monthly base charges under this Section 4.01.A will be made for future months, only, and the District will not make adjustments for months earlier than the date on which the customer requests an adjustment.

B. Monthly Volumetric Charge. Except for errors in meter readings, there shall be no adjustment of a Monthly Volumetric Charge for a given month.

SECTION 4.02. PROCEDURES FOR REQUEST FOR REVIEW.

A. Time for Request. A customer may request adjustment of monthly charges at any time within sixty days of receipt of a bill for wastewater service. No adjustment will be made to any bill for wastewater service received more than sixty days prior to the date of request.

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 District Staff. District Staff 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 General Manager may conduct one or more informal discussions with the owner, and may request additional information and documentation. If requested by the owner, the General Manager 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**

**GENERAL PROVISIONS**

**SECTION 6.01. SEVERABILITY.** If any clause, section, or provision of this Rate 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 6.02. CONFLICT.** In the event that any portion of this Rate Resolution, or application thereof, conflicts with any State or federal law, such State or federal law shall prevail.

**SECTION 6.03. EFFECTIVE DATE.** This Rate Resolution shall take effect immediately upon its adoption by the District.
The foregoing RESOLUTION NO. XX-XX-XX 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>
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<tr>
<th>Commissioner Gary Bauman</th>
<th>AYE</th>
<th>NAY</th>
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<tbody>
<tr>
<td>Commissioner Claude Bullock</td>
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<td>Chairman Glenn Patton</td>
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<td>Commissioner Andrew Tobin</td>
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<td>Commissioner Charles Brooks</td>
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The Chairman thereupon declared Resolution XX-XX-XX duly passed and adopted the __ day of _____ 2006.

KEY LARGO WASTEWATER TREATMENT
DISTRICT GOVERNING BOARD

By

Glenn Patton, Chairman

Attest:

Approved as to form and content:

By

Carol Walker, Board Clerk

By

District Counsel
TAB 6
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005

Agenda Item No. 6

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] ORDINANCE ON FIRST READING
[ ] RESOLUTION
[ ] DISCUSSION

[ ] BID/RFP AWARD
[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: RFQ for Billing

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-16-05

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| Department Review:     | Engineering | Advertised:       |
| District Counsel       | [ ]        | Date:             |
| General Manager        | [ ]        | Paper:            |
| Finance                | [ ]        | [ ] Not Required  |

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All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.

Yes I have notified everyone__________

Or
Not applicable in this case__________:

Please initial one.

**Summary Explanation/Background:** Staff is proceeding on the three-pronged approach to billing (FKAA, In House, and Outside Contractor). This RFQ is to get proposals for an outside contractor to provide billing and collection services for the District.

**Resulting Board Action:**

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
REQUEST FOR STATEMENT OF QUALIFICATIONS

The Key Largo Wastewater Treatment District (District) announces that services will be required as set forth herein:

CUSTOMER BILLING AND COLLECTION

A. PURPOSE OF THIS REQUEST FOR STATEMENT OF QUALIFICATIONS AND GENERAL SCOPE OF WORK

The District seeks Statements of Qualifications from firms that wish to provide billing and collection services. The District intends to enter into a service agreement with a qualified firm to perform the following work: obtaining water consumption data from the Florida Keys Aqueduct Authority (FKAA), preparing and sending wastewater bills to District customers, receiving funds on behalf of the District and depositing them in a District account, reconciling billing and collection data. After reviewing qualifications, the District will issue invitations to bid to the firms that the District considers to be qualified to perform the services.

Background and General Description of Services

The District is an independent special district of the State of Florida organized and existing under the Key Largo Wastewater Treatment District Act (ch. 2002-337 Fla. Stat., as amended) for the purpose of developing and operating a wastewater collection and treatment system on the Island of Key Largo, Florida. At full build out, the District expects to provide wastewater service to about 13,000 customers.

In 2003, the District commenced construction of the first phase of its wastewater system, which consists of a wastewater treatment plant with a nominal capacity of 183,000 gallons/day, a vacuum system, and three collection systems extending to about 600 customers. The District expects to begin collecting wastewater from about 200 customers in March of 2006, and to bring the remaining customers online shortly thereafter.

In addition, the District has received financing commitments to construct a wastewater treatment plant with a nominal capacity of 2.25 million gallons/day, a six mile transmission main, and collection systems reaching 1,100 additional customers. The District expects to begin serving these customers in early 2008.

The District has established a rate schedule consisting of two parts: a fixed monthly fee charged in advance and a flowage fee. The flowage fee is calculated based on meter readings generated by the FKAA and to be made available in electronic format.

The successful bidder will apply the fixed monthly fees, calculate the flowage fees, and generate monthly invoices. At present, the District intends that the successful bidder will also receive the bill payments, deposit the funds into a designated District account, and provide monthly reports of customer accounts and accounting reconciliations to the District. The successful bidder will implement procedures to collect delinquent accounts, but the District will undertake needed collection litigation and other extraordinary actions.
Minimum Qualifications

The district intends to issue invitations to bid to firms that demonstrate a capability to undertake the work satisfactorily. Such firms will have the following minimum qualifications:

- Established record of satisfactory performance of wastewater or other utility billing in Florida;
- Demonstrated understanding and use of billing calculation and collection hardware and software, personnel, and business procedures;
- Established offices, organization and business operations in Florida.
- Not less than five references from satisfied customers, preferably in Florida;
- Adequate bonding and insurance commensurate with the services provided, including without limitation liability insurance and fidelity bonding.

B. GENERAL CRITERIA FOR SELECTION

1. **Schedule**
   
   Advertise for Statement of Qualifications
   
   December 2005

   **Submit Deadline**
   
   January 27, 2006

   KLGTD Board Approval of Recommended Firm(s)
   
   Feb. 1, 2006

2. **Information to Be Submitted**

   Submit responses to the Request for Statements of Qualifications (SOQ) in the format described below. Any deviation from this format may result in the Firm’s disqualification.

   **The SOQ shall be limited to the following: a Letter of Interest and four sections as discussed below:**

   **One Page Letter of Interest:**
   
   Transmittal letter indicating interest in the SOQ.
   
   Note: One page maximum

   **Section 1 – Knowledge of Wastewater Utility Billing Issues:**
   
   Describe the Firm’s understanding of wastewater billing issues and how the Firm addresses them.
   
   Note: Five pages maximum

   **Section 2 – Qualifications of Staff Assigned to Project:**
   
   1. Identify only individuals who will actually work on the project. Include any consultants that may be engaged by the Firm in the execution of the project.
   2. Describe specific assignments and functions of each individual.
   3. Provide an organization chart for the Firms employees and consultants who will work on the project.
   4. Resumes of the individuals and identified in Item 1, above
4. Resumes of the individuals and identified in Item 1, above

Section 3 – Proficiency of Firm
Provide a summary the Firm’s (and consultants’, if any) proficiency in each of the areas described in the Scope of Work for the task of interest. Include cost-benefit analysis and contract document preparation proficiency.

Section 4 – Specific Project Examples:
Provide a summary of up to five projects of similar scope to the task of interest. The summary should include a brief project description, cost information (Firm’s fees, estimated cost, actual cost, change order costs, etc.), Firm’s employees and consultants who worked on the project and their assignment, client contact person and their telephone number and email address. Include examples of bills issued, reports generated, and use of alternative or innovative technology to achieve cost savings.

3. Method of Selection
Individual members of District staff shall:
1. Independently evaluate and rank each SOQ with respect to the professional services proposed.
2. Identify those Firms that are qualified to provide the desired services.
3. Forward its selection(s) to the District General Manager, who will make an independent recommendation to the District Board and recommend that the Board authorize the KLWTD General Manager to issue invitations to bid to the approved Firm(s).

Do not contact any member of District staff other than the District Finance Officer regarding this SOQ. Contacting a staff member other than the Finance Officer to discuss the SOQ will result in the Consultant’s disqualification from the selection process. The District Finance Officer is Martin Waits.

The KLWTD Board may, at its sole option, reject or modify the General Manager’s recommendations.

C. NOTES TO ALL PROSPECTIVE FIRMS

Be brief but concise in your submittal. THERE WILL BE NO INTERVIEWS IN CONNECTION WITH THE SELECTIONS UNDER THIS REQUEST FOR STATEMENTS OF QUALIFICATIONS. Potential and actual respondents are hereby put on notice that the only data and information upon which selection will be based is the Firm’s SOQ and information provided by client references.

The District is interested in Firms that can provide all or most of the expertise needed to provide the desired services for each task. However, it is recognized that certain areas may require expertise beyond that of the submitting Firm. For specialty functions, the use of consultants is acceptable, but the Firm should be qualified to perform the bulk of the work using its own employees.
The District will not be responsible for any expenses incurred by a Firm in preparing or submitting an SOQ.

The SOQ is to be submitted in a sealed envelope. The face of the envelope for submissions in response this RFQ shall contain the following title: "Response to Billing and Collections RFQ."

D. SUBMITTAL REQUIREMENTS

Submit one (1) original and nine (9) copies of the SOQ on or before 2:00 PM Friday, January 6, 2006 to:

Charles Fishburn, General Manager
Key Largo Wastewater Treatment District

Mailing address:
P.O. Box 491
Key Largo, FL 33037

Street address:
98880 Overseas Highway
Key Largo, Florida 33037

The SOQ must be received on or before the time and date specified herein or it will be disqualified.

Address questions regarding the SOQ in writing only to:

Martin Waits, Finance Officer
Key Largo Wastewater Treatment District
See addresses above.

All questions must be received by the K LWTD, attention Martin Waits, at least ten (10) working days before the SOQ submittal due date.
TAB 7
### Agenda Request Form

**Meeting Date:** December 21, 2005  
**Agenda Item No.:** 7

- [ ] Public Hearing  
- [ ] Resolution  
- [ ] Discussion  
- [x] General Approval of Item  
- [ ] Bid/RFP Award  
- [ ] Consent Agenda

**Subject:** Calusa Campground One-Year Notice

**Recommended Motion/Action:** Approval

**Approved by General Manager:** 
**Date:** 12-15-05

<table>
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| Department Review:  
**X** 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 "One-Year Notice" to Calusa Campground owners is presented for approval.

**Resulting Board Action:**
- [ ] Approved  
- [ ] Tabled  
- [ ] Disapproved  
- [ ] Recommendation Revised
Dear Property Owner:

In accordance with Florida Law, you are hereby officially notified that a central sewer system will be available to your property not less than one calendar year from the date of this Official One-Year Notification, shown above.

Our most recent records from the Monroe County Appraiser’s Office show that you are a property owner of record in the area commonly known as Calusa Campground, Key Largo, Florida, and that the property is improved and served by an onsite sewage treatment and disposal system. A copy of this notice is being sent to your condominium association manager.

The District has previously inspected your onsite sewage treatment and disposal system, and determined that it suffers from serious problems. Specifically, the system suffers a significant lack of integrity, resulting in saltwater intrusion. As a result, your system will require substantial repair or replacement before it will be capable of delivering wastewater meeting the District’s standards.

We have discussed these problems with your condominium association, and provided our engineer’s report and recommendations as to the alternatives available. Your association should retain the services of a qualified wastewater engineering firm to review this report and make a recommendation as to the best way to proceed.

The District will make its engineers and other staff available to you and your engineer, and we will provide all needed information about the District’s wastewater standards and the physical connection that the District will make available to your condominium association. Your condominium association will need to obtain a permit from the Monroe County Health Department, Monroe County Building Department, and possibly other agencies, for installation of a connection to our system and proper abandonment of your onsite sewage treatment and disposal system.

The Key Largo Wastewater Treatment District expects that construction of the system will be complete in March 2006.

You and your condominium association are responsible to connect to the operational sewer collection system within thirty calendar days after official notification by the Key Largo Wastewater Treatment District that operational service is available, or within a timeframe officially specified by the Key Largo Wastewater Treatment District greater than thirty calendar days after such notification.

This Official One-Year Notification is certified to be in accordance with applicable law.

Yours,

Charles F. Fishburn
General Manager

Board of Commissioners: Chairman Patton, Commissioners G. Bauman, A. Tobin, C. Brooks, and C. Bullock
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005

Agenda Item No. □

[X] PUBLIC HEARING
[X] RESOLUTION

[] Ordinance on Second Reading
[X] DISCUSSION

[] Public Hearing

[] ORDINANCE ON FIRST READING
[] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM
[] CONSENT AGENDA

[] Other:

SUBJECT: Resolution No. 21-12-05 requesting assistance from Representative Ken Sorensen to amend the Key Largo Wastewater Treatment District Act to provide that District Wastewater charges shall become a lien upon real property.

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-15-05

Originating Department: Legal
Costs: $
Funding Source:
Acct. #

Attachments: Resolution 21-12-05

Department Review:
District Counsel
General Manager
Finance

[] Engineering
[] Clerk

Advertised:
No necessary

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: This resolution corrects an omission in the original act creating the District

Resulting Board Action:

☐ Approved
☐ Tabled
☐ Disapproved
☐ Recommendation Revised
RESOLUTION 21-12-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE KEN SORENSEN TO AMEND THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO PROVIDE THAT DISTRICT WASTEWATER CHARGES SHALL BECOME A LIEN UPON REAL PROPERTY

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 on the Island of Key Largo; and

WHEREAS, the District expects to begin providing service to customers and charging them for wastewater service in March or April of 2006; and

WHEREAS, the District has been advised that its ability to collect delinquent wastewater charges would be greatly enhanced if its authorizing legislation were amended to provide that District wastewater charges shall become a lien on real property, as is the case with the authorizing legislation of the Florida Keys Aqueduct Authority; and

WHEREAS, the District has been advised that its ability to obtain financing to complete construction of wastewater management facilities throughout the District will be greatly enhanced; and

WHEREAS, the District desires the assistance of Representative Ken Sorensen in amending the Key Largo Wastewater Treatment District Act (ch. 2002-337, as amended) (hereinafter, the "Act") to provide that District wastewater charges shall become a lien upon real property;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests Representative Ken Sorensen’s assistance in amending the Act, substantially as follows:

Amend Subsection 4.2.J of the Act to read as follows:

(J) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The District may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the District may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The District may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services,
and reasonable attorneys’ fees and other expenses SHALL BE A LIEN UPON ANY SUCH PARCEL OF PROPERTY SUPERIOR AND PARAMOUNT TO ANY INTEREST EXCEPT THE LIEN OF COUNTY OR MUNICIPAL TAXES AND SHALL BE ON A PARITY WITH ANY SUCH TAXES, AND may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment by any other lawful method of enforcement.

[Added words are in ALL CAPS.]

The foregoing RESOLUTION NO. 21-12-05 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:

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<thead>
<tr>
<th>Commissioner</th>
<th>AYE</th>
<th>NAY</th>
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<tbody>
<tr>
<td>Gary Bauman</td>
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<td>Claude Bullock</td>
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<td>Charles Brooks</td>
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<td>Andrew Tobin</td>
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<td>Chairman Glenn Patton</td>
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The Chairman thereupon declared Resolution No. 21-12-05 duly passed and adopted the 21st day of December, 2005.

KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS

By ________________________________
Glenn Patton, Chairman

Attest: Approved as to form and content:

By ________________________________
Carol Walker, Board Clerk

By ________________________________
District Counsel

KLWTD Resolution 21-12-05
KEY LARGO WASTEWATER TREATMENT DISTRICT  
Agenda Request Form  

Meeting Date: December 21, 2005  
Agenda Item No. 9  

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

SUBJECT: Residential Lateral Connection Status  

RECOMMENDED MOTION/ACTION: Discussion  

Approved by General Manager  
Date: 12-16-05  

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<td>[ ] Finance</td>
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Engineering MB:  
[ ] Clerk  

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: Lateral connections by homeowners in KLTV are proceeding slowly. Staff is working to expedite the process. Using underground contractors for lateral connections should increase the availability of licensed contractors.  

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

To: KLWTD Board
From: Margaret Blank, PE
CC: Chuck Fishburn
Date: December 13, 2005
Re: Status of Residential Hook-ups

Introduction:

The 0.183 MGD Wastewater Treatment Plant needs approximately 150-200 connections before it can begin operation. So far twelve have been inspected and approved by KLWTD. Residents have reported that it is sometimes difficult to find plumbers to do the work. Plumbers have expressed concerns that the permitting process is taking too much time.

Permitting:

The first step for anyone seeking to install a residential sewer hook-up is to obtain an original, sealed Approval Letter from the District. A septic tank abandonment permit is required from the Health Department, and a Building Department permit is required to install the lateral. There is a $40 fee for the Health Department permit, and a $52 fee for the Building Department permit. There is an additional $10 recording fee for the Building Department permit.

The turn-around time for building permits had been two weeks. After speaking with Joe Paskilak, the Monroe County Building Official, the turn-around time has decreased to less than a week. However, the turnaround time at the Health Department is still approximately two weeks.

Plumbers and Contractors:

Joe Paskilak has informed me that underground contractors may pull permits for the lateral work. Fountain Engineering and Pabon Engineering have expressed an interest in doing this work.
Little Venice and Expanded Wastewater System

System operation is slowly becoming status quo. Remaining customer connections to the system have ground to a halt.

City of Layton

Construction on the wastewater collection system and WWTP is proceeding well.

Coach Key

Customer hook ups have continued slowly over the month.

Staff continues to coordinate with Hawk's Cay to finalize the acquisition of the Hawk's Cay wastewater system.

Duck Key

Staff has followed up with Duck Key and the County to move forward with a gravity wastewater collection system that was found to be the most cost effective from a construction and operations standpoint in a recent study by CH2M Hill.

Bay Point

The customer connection process continued and system operation is stabilizing. Awaiting the final performance test to complete the contract.

Big Coppitt

The notice to proceed with design was given on 3 November 2005 to Boyle Engineering. Design and surveying have started.
| Construction Ongoing | Haskell | 53.400 | 300 | March-05 | January-05 | Construction Planning | Payroll
|----------------------|---------|--------|-----|----------|-------------|----------------------|--------
| Systems completed, engineering review of collection coordination with Duke Key. | CH2M HILL | — | 350 | — | — | Planning, Duck Key | Upgrade, WTP
| Code; Coordination with FPLA for design build of the WTP | FPLA | — | 650 | — | — | Planning, FPLA | Upgrade, WTP
| Design engineering design | Boyle | — | 1,500 | August-05 | November-05 | Design, Boyle | Big Copy

| Construction Ongoing | Highings | 72.700 | 400 | March-06 | August-05 | Operations, Customer | Paypoint
|----------------------|----------|--------|-----|----------|-------------|----------------------|--------
| Customer connections continued. Hawks Cay WTP | Highings | 72.700 | 160 | March-06 | September-06 | Operations, Customer | Paypoint
| Customer connections showy | Highings | 72.700 | 400 | March-06 | September-06 | Operations, Customer | Paypoint
| Operations as normal, customer connections have halted | 74.700 | — | 700 | — | — | Operations, Customer | Paypoint

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<th># EDUs</th>
<th>Completion</th>
<th>Start Up</th>
<th>Status</th>
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</table>

13 December 2005
Wastewater Project Summary
Florida Keys Aqueduct Authority
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 10

[ ] PUBLIC HEARING

[ ] DISCUSSION

[ ] GENERAL APPROVAL OF ITEM

[ ] RESOLUTION

[ ] BID/RFP AWARD

[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: New Administrative Assistant Position

RECOMMENDED MOTION/ACTION: Action

Approved by General Manager
Date: 12-16-05

Originating Department: General Manager

Costs: $
Funding Source:
Acct. #

Attachments:
Memo
Contract

Department Review:
[ ] District Counsel
[ ] 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: Interviews for the Administrative Assistant position have been completed. All of the top candidates exceed the salary envisioned by the Board.

Resulting Board Action:
[ ] Approved
do Tabled
do Disapproved
do Recommendation Revised
TAB 11
Meeting Date: December 21, 2005

[ ] PUBLIC HEARING  [ ] RESOLUTION

[ ] DISCUSSION  [ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: New Employment Contract for General Manager

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

Date: 12-16-05

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<td>[ ] Finance</td>
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</table>

| Engineering______ |
| Clerk______ |

| Attachments: |
| Memo |
| Contract |

| 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:** Mr. Fishburn’s employment contract expires May 31, 2006. It is timely to review Mr. Fishburn’s contract.

**Resulting Board Action:**
- [ ] Approved
- [ ] Tabled
- [ ] Disapproved
- [ ] Recommendation Revised
Memo

To: KLIWT D Board
From: Charles F. Fishburn, General Manager
Date: December 14, 2005
Re: New Employment Agreement

I have been the General Manager of the District for the past 17 months and although my contract continues through May 31, 2006 I would like the Board to consider a new one-year contract effective February 1, 2006.

The new contract, I think, more reflects compensation for the job that I am doing for the District. When I was first hired my management skills had not been demonstrated to the Board.

During the last 17 months with directions from the Board and a top notch staff (including Legal Counsel and Weiler Engineering) we have:

1. Moved the District from behind all major wastewater projects in Monroe County to leading the way with our projects.
2. Broken ground and nearing completion on the KLTV and KLP Projects
3. Identified, secured funding and SRF Loans for our next major project (North Components).
4. Obtained $20 million dollar grant from County for the North Components Project.
5. Initiated the final planning for the entire District.
6. Transferred the Financial and Clerk functions from outside consultants to our own in house staff.
7. Established in house District Engineering and Construction management capabilities.
8. Moved into new District offices.

After 17 months I think my performance is a know quantity by all Board Members. I would propose the attached contract for my services during the coming year. MY PRESENT CONTRACT IS ATTACHED FOR REFERENCE.
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

THIS Employment Contract is entered into as of the date first set forth below, by and between the Key Largo Wastewater Treatment District, an independent special district created by Chapter 2002-337, Laws of Florida (the "District"), and the Employee named below.

1. Employee Name and Address: Charles F. Fishburn
2. Employee Title: General Manager
3. Employee Compensation Rate: $106,000
4. Effective Date of this Employment Contract: February 1, 2006
5. Term of Employment Contract: One year
6. Date of first District Employment: June 1, 2004
7. General Provisions of Employment: See Attachment A
8. Employee Duties: See Attachment B.
9. Special Terms of Employment:
   a. District will contribute $500/month toward Employee's medical premiums as a direct payment to the medical plan.
   b. N/A
   c. N/A

IN WITNESS WHEREOF, the parties hereto have executed this Employment Contract as of the date first written above.

Key Largo Wastewater Treatment District

By
__________________________
Glenn Patton
Its Chairman

Employee

Attest:

By
__________________________
Andrew M. Tobin
Its Secretary/Treasurer

Employment Contract
December 14, 2005
ATTACHMENT A
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

GENERAL PROVISIONS FOR EXEMPT EMPLOYEES

These Employment Contract General Provisions for Exempt Employees ("General Provisions") specify the general terms of employment between the Key Largo Wastewater Treatment District ("District") and the employee ("Employee") named in the District Employment Contract ("Employment Contract") to which these terms are attached. These General Provisions shall apply except to the extent they are modified or amended by the express provisions of the Employment Contract.

1. Employment.
   a. The District hereby employs Employee, and Employee hereby accepts employment with the District, on the terms set forth in the Employment Contract.
   b. The Employment Contract is an "at will" agreement.
   c. Either party may terminate the Employment Contract without cause upon 60 days' written notice to the other party.
   d. In addition, the District may terminate the Employment Contract for disability or cause pursuant to Section 8 hereof.
   e. Employee is a public official as that term is used in the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officials.
   f. During the term of the Employment Contract, Employee shall devote Employee's best efforts, knowledge, skill, and attention to the performance of Employee's duties as aforesaid, except during such periods as Employee shall be ill, disabled, or on vacation as provided by the Employment Contract.
   g. Employee shall not accept any other employment for compensation without the prior written consent of the District's General Manager, which consent may be withheld if the District's General Manager reasonably believes that such employment would negatively affect the quality of the Employee's services to the District.
h. This is a full-time, salaried position, and the position is exempt from the overtime compensation requirements of the Fair Labor Standards Act.

i. Employee shall keep all records that may be required to support any charge by the District against any grant or other funding for work performed by Employee.

2. Place of Employment. Employee shall be afforded an office and support services at the District offices located at 98880 Overseas Highway, Key Largo, Florida, and/or such other locations as may be specified in the Employment Contract.

3. Compensation.
   a. The compensation rate is stated in the Employment Contract.
   b. Employee's wages shall be payable once each month on the last day, commencing on the last day of the first month in which Employee performs services to the District under the Employment Contract.
   c. Employee shall pay the employee's share of any payroll taxes required under applicable law, by payroll deduction, and District shall bear and be responsible for the employer's share of any taxes on wages paid as required under applicable law.

4. Vacation. Employee shall be entitled to one day of paid vacation for each month worked, and may begin to use such vacation after six months of paid employment. Employee shall schedule such vacation in consultation with the District General Manager to minimize the inconvenience and other impacts to the District.

5. Holidays. Employee is entitled to paid holidays. The following days are District 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.

6. Benefits. The Employee understands and agrees that the District has adopted a group medical plan and a 401(k) plan. The District does not contribute to these
plans, and Employee's participation in these plans is solely at Employee's option. IT IS THE RESPONSIBILITY OF EMPLOYEE TO BECOME FAMILIAR WITH THE TERMS OF THESE PLANS AND TO DETERMINE WHETHER OR NOT TO PARTICIPATE IN THEM, OR ANY OF THEM, AS EMPLOYEE DEEMS APPROPRIATE. EMPLOYEE SHOULD NOTE THAT THESE PLANS MAY INCLUDE PROVISIONS THAT LIMIT THE TIMES AND CONDITIONS UNDER WHICH EMPLOYEE MAY ELECT TO PARTICIPATE IN THEM.

7. **Travel Expenses.** The District shall pay for or reimburse Employee in accordance with the District's standard policies for travel off the island of Key Largo for the purpose of carrying on District business.
   a. The District's standard policies for reimbursement of travel expenses are those set forth in Florida Statutes Section 112.061;
   b. However, the District reimbursement rate for the use of a private vehicle on District business is $0.40/mile.

8. **Termination for Disability or Cause.** The Employment Contract may be terminated by the District, acting through its General Manager, upon any of the following events:
   a. The expiration of 30 days following written notice given by the District General Manager to Employee of the District's election to terminate this Agreement following Employee's Disability. "Disability" means the inability of Employee to perform substantially all of the duties required of Employee by the Employment Contract by reason of physical or mental incapacity for a period of one month, or a period of more than 30 days in the aggregate in any 18 month period. "Disability" includes the death of Employee.
   b. A determination by the District General Manager that Cause exists to terminate the Employment Contract, and written notice of termination for Cause is given by the District General Manager to Employee. "Cause" means any of the following events or conditions:
      i. A material breach by Employee of any material provision of the Employment Contract.

*Employment Contract General Provisions (Exempt Employees)*

*December 12, 2005*
ii. Any act by Employee in violation of the obligations imposed upon public officials under applicable law.

iii. Fraud or other dishonest act by Employee involving the District.

iv. Employee’s conviction of a felony.

Such termination shall be effective upon the date specified in the written notice of termination, and may be effective immediately.

9. **Notices.** Any notice or other communication required or permitted to be given in connection with the Employment Contract shall be in writing and shall be deemed to have been duly given (a) when personally delivered, (b) on the business day following deposit of such notice with a reputable overnight courier service, or (c) sent by certified mail, return receipt requested, postage prepaid, as follows:

If to the District:

General Manager
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

With a copy to:

Thomas M. Dillon
PO Box 370736
Key Largo, Florida 33037-0736

If to Employee, at the address specified in the Employment Contract.

Either party may change such party's address for the purpose of this Section by written notice similarly given.

10. **Severability.** If any provision of the Employment Contract shall be held to be invalid or unenforceable, such provision shall be construed and enforced to the extent possible as if it had been more narrowly drawn so as not to be invalid or unenforceable, and such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of the Employment Contract. However, if either party determines in good faith that, as a result of a provision of the Employment Contract being held invalid or unenforceable, the Employment
Contract no longer serves the purposes for which it was written, that party may terminate the Employment Contract.

11. **Entire Agreement.** The Employment Contract, including the documents incorporated therein by reference sets forth the parties' final and entire agreement, and supersedes any and all prior understandings, with respect to the employment of Employee by the District.

12. **Assignment; Ratification of Agreement.** The Employment Contract is an agreement for personal services, and the District has determined to hire Employee on the basis of Employee's personal qualifications. The Employee may not assign or delegate its rights or obligations under the Employment Contract, and any purported assignment or delegation of any such right or obligation without such consent shall be null and void.

13. **No Waiver.** No failure or delay by either party in exercising any right, option, power, or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof, or the exercise of any other right, option, power, or privilege.

14. **Amendment.** The Employment Contract can only be amended, waived or terminated by a writing signed by both the District and Employee.

15. **Applicable Law.** The Employment Contract shall be governed by and construed and interpreted in accordance with the internal law of the State of Florida, without reference to its rules as to conflicts of law.

16. **Headings.** The section headings in the Employment Contract are for reference purposes only and shall not affect in any way the meaning or interpretation of the Employment Contract.
ATTACHMENT B
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT
DISTRICT GENERAL MANAGER DUTIES

ESSENTIAL FUNCTIONS The following duties are normal for this position. The omission of specific statements of the duties does not exclude them form the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

A. Executing Board’s direction in identifying, selecting and contracting with rate consultants, auditors, insurance consultants, lab service contractors, consulting engineers, hydro-geologies, and other consultants and professionals required by the District.

B. Acting as custodian of the District’s books and records in accordance with Florida Statutes Section 189.9.

C. As directed by the District Board, serving as intergovernmental liaison between the District and local governments within which the District provides wastewater service, including, without limitation, coordination of service extensions with applicable comprehensive plans, communicating with public officials on all matters that pertain to the District, attending governing board and staff meetings to discuss District issues.

D. Providing the Board, or individual members thereof, upon request, with data or information concerning District construction and operations, and providing advice and recommendations to the Board.

E. Coordinating with District’s Chief Financial Officer, Engineer, and Counsel, staff, and supervising other District staff.

F. Negotiating leases, contracts, and other agreements, including consultant services, for the District, subject to Board approval.

G. Overseeing all governmental filings.

H. Monitoring the performance of all terms and conditions in all leases, contracts, and agreements, and notifying the Board of known violations thereof.

I. Monitoring the operations and billing functions of the District and ensuring compliance with the Board’s policy and direction.

J. Preparing annual reports.

K. Consulting with, and supervision of, contractors as reasonably required and necessary with regard to construction of capital projects.

L. In consultation with the District Engineer and District Counsel, as appropriate, issuing interpretations and clarifications of contract documents.

a. Evaluating requests for substitutions or deviations therefrom.
b. Providing recommendations concerning requests for substitutions or deviations therefrom.

c. Preparing work orders.

d. Monitoring all required project records.

e. Reviewing applications for payment.

f. Conducting comprehensive inspections of construction projects.

g. Developing list of items needing completion or correction.

O. Negotiating contracts with engineers and other consultants regarding scope and cost of proposed contract change orders.

P. Providing proof of compliance with funding and grant requirements.

Q. Requesting advances and reimbursements consistent with funding and grant requirements.

R. Exercising due diligence with respect to construction management efforts consistent with governmental standards.
GENERAL MANAGER EMPLOYMENT AGREEMENT

THIS GENERAL MANAGER EMPLOYMENT AGREEMENT ("Agreement") is entered into as of June 1, 2004 between the Key Largo Wastewater Treatment District, an independent special district created by Chapter 2002-337, Laws of Florida (the "District"), and Charles F. Fishburn ("General Manager").

1. Employment.
   a. The District hereby employs General Manager, and General Manager hereby accepts employment with the District, on the terms set forth in this Agreement. This Agreement is an "at will" agreement. Either party may terminate this Agreement without cause upon 90 days' written notice to the other party. In addition, the District may terminate this Agreement for disability or cause pursuant to Section 8 hereof. Unless sooner terminated, this Agreement shall terminate on May 31, 2006.
   b. General Manager shall serve as the District's General Manager. General Manager shall provide senior management services and shall perform such duties relating thereto as may be determined and assigned to General Manager from time to time by the District's Board of Directors, to whom General Manager shall report. Exhibit A to this Agreement sets out the minimum duties of the General Manager.
   c. General Manager shall keep all records that may be required to support any charge by the District against any grant or other funding for work performed by General Manager.
   d. General Manager is a public official as that term is used in the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officials.
   e. During the term of this Agreement, General Manager shall devote his best efforts, knowledge and skill and shall devote substantially all of his working time and attention to the performance of his duties as aforesaid, except during such periods as General Manager shall be ill, disabled, or on vacation as provided by this Agreement.
2. **Place of Employment.** General Manager shall be afforded an office and support services.

3. **Compensation.**
   a. The Compensation rate for the General Manager is $92,000 per annum.
   b. General Manager's salary shall be payable once each month on the last day, commencing on June 30, 2004, in the amount of $7,667. For any month in which General Manager serves less than a full month, the salary will be prorated based on the time actually served.
   c. General Manager shall pay the employee's share of any payroll taxes required under applicable law, by payroll deduction, and District shall bear and be responsible for the employer's share of any taxes on wages paid as required under applicable law.

4. **Vacation.** General Manager shall be entitled to 12 days of paid vacation during each calendar year. General Manager shall schedule such vacation to minimize the inconvenience and other impacts to the District.

5. **Holidays.** General Manager is entitled to 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.

6. **Benefits.** The General Manager understands and agrees that the District has not adopted any employee benefit plans, and that the General Manager shall be responsible for obtaining and providing his own health insurance and other benefits as he deems appropriate.

7. **Travel Expenses.** The District shall pay for or reimburse General Manager in accordance with the District's standard policies for travel off the island of Key Largo for the purpose of carrying on District business. The District's standard
policies for reimbursement of travel expenses are those set forth in Florida Statutes Section 112.061.

8. **Termination for Disability or Cause.** This Agreement may be terminated by the District, acting through its Board of Directors, only upon any of the following events:

   a. The expiration of 30 days following written notice given by the Board of Directors of the District to General Manager of the District's election to terminate this Agreement following General Manager's Disability. "Disability" means the inability of General Manager to perform substantially all of the duties required of General Manager by this Agreement by reason of physical or mental incapacity for a period of two consecutive months, or a period of more than 90 days in the aggregate in any 18 month period.

   b. A determination by the District's Board of Directors that Cause exists to terminate this Agreement, and written notice of termination for Cause is given by the Board of Directors of the District to General Manager. "Cause" means any of the following events or conditions:

      i. A material breach by General Manager of any material provision of this Agreement.

      ii. Any act by General Manager in violation of the obligations imposed upon public officials under applicable law.

      iii. Fraud or other dishonest act by General Manager involving the District.

      iv. General Manager's conviction of a felony.

   Provided that in the case of the foregoing clauses (i) and (ii), "Cause" shall exist only if General Manager fails to cure such breach, within 30 days of receipt of written notice thereof, to the satisfaction of the District's Board of Directors.

   c. The death of General Manager.

9. **Notices.** Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed to have been duly given (a) when personally delivered, (b) on the business day following deposit of such
notice with a reputable overnight courier service, or (c) sent by certified mail,
return receipt requested, postage prepaid, as follows:

If to the District:

Chairman, Board of Directors
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

With a copy to:

Thomas M. Dillon
94220 Overseas Highway, #2B
Tavernier, Florida 33070-3005

If to General Manager:

Charles F. Fishburn
161 Dubonnet Road
Tavernier, Florida 33070

Either party may change such party’s address for the purpose of this Section by
written notice similarly given.

10. **Severability.** If any provision of this Agreement shall be held to be invalid or
unenforceable, such provision shall be construed and enforced to the extent
possible as if it had been more narrowly drawn so as not to be invalid or
unenforceable, and such invalidity or unenforceability shall not affect or render
invalid or unenforceable any other provision of this Agreement. However, if either
party determines in good faith that, as a result of a provision of this agreement
being held invalid or unenforceable, this Agreement no longer serves the
purposes for which it was written, that party may terminate this agreement upon
not less than sixty days’ written notice.

11. **Entire Agreement.** This Agreement sets forth the parties’ final and entire
agreement, and supersedes any and all prior understandings, with respect to the
subject matter hereof.

12. **Assignment; Ratification of Agreement.** No right or obligation under this
Agreement may be assigned or delegated by either the District or General
Manager without the prior written consent of the other party, and any purported

assignment or delegation of any such right or obligation without such consent shall be null and void.

13. No Waiver. No failure or delay by either party in exercising any right, option, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof, or the exercise of any other right, option, power or privilege.

14. Amendment. This Agreement can only be amended, waived or terminated by a writing signed by both the District and General Manager.

15. Applicable Law. This Agreement shall be governed by and construed and interpreted in accordance with the internal law of the State of Florida, without reference to its rules as to conflicts of law.

16. Headings. The section headings in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

Key Largo Wastewater Treatment District

By

Gary Badman

Its Chairman

General Manager

Charles F. Fishburn

Attest

By

Cris Beaty

Its Secretary
Exhibit A
Minimum Duties for General Manager

A. Executing Board’s direction in identifying, selecting and contracting with rate consultants, auditors, insurance consultants, lab service contractors, consulting engineers, hydro-geologies, and other consultants and professionals required by the District.

B. Acting as custodian of the District’s books and records, which shall be maintained in accordance with Florida Statutes Section 189.9.

C. As directed by the District Board, serving as intergovernmental liaison between the District and local governments within which the District provides wastewater service, including, without limitation, coordination of service extensions with applicable comprehensive plans, communicating with public officials on all matters that pertain to the District, attending governing board and staff meetings to discuss District issues.

D. Preparing an annual consumer confidence report as required by law.

E. Overseeing two customer mailings each year to all District customers regarding Board initiatives.

F. Providing the Board, or individual members thereof, upon request, with data or information concerning District construction and operations, and providing advice and recommendations to the Board.

G. Coordinating with District’s Chief Financial Officer, Engineer, and Counsel, staff, and supervising other District staff.

H. Negotiating leases, contracts, and other agreements, including consultant services, for the District, subject to Board approval.

I. Overseeing all governmental filings.

J. Monitoring the performance of all terms and conditions in all leases, contracts, and agreements, and notifying the Board of known violations thereof.

K. Monitoring the operations and billing functions of the District and ensuring compliance with the Board’s policy and direction.

L. Preparing annual reports.

M. Consulting with, and supervision of, contractors as reasonably required and necessary with regard to construction of capital projects.

N. In consultation with the District Engineer and District Counsel, as appropriate, issuing interpretations and clarifications of contract documents.

   a. Evaluating requests for substitutions or deviations therefrom.
b. Providing recommendations concerning requests for substitutions or deviations therefrom.

c. Preparing work orders.

d. Monitoring all required project records.

e. Reviewing applications for payment.

f. Conducting comprehensive inspections of construction projects.

g. Developing list of items needing completion or correction.

O. Negotiating contracts with engineers and other consultants regarding scope and cost of proposed contract change orders.

P. Providing proof of compliance with funding and grant requirements.

Q. Requesting advances and reimbursements consistent with funding and grant requirements.

R. Exercising due diligence with respect to construction management efforts consistent with governmental standards.
KEY LARGO WASTEWATER TREATMENT DISTRICT
BOARD OF COMMISSIONERS

AGENDA

Wednesday, December 21, 2005 at 5:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

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

5 pm
A. CALL TO ORDER

5:01
B. PLEDGE OF ALLEGIANCE

5:02
C. ROLL CALL

5:03
D. APPROVAL OF AGENDA WITH ANY ADDITIONS OR DELETIONS

5:10
E. PUBLIC COMMENT

5:15
F. PUBLIC HEARING

KLWTD Agenda
December 21, 2005
1. RESOLUTION NO. 20-12-05
A RESOLUTION OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT, KEY
LARGO, FLORIDA ELECTING TO USE THE
UNIFORM METHOD OF COLLECTING NON-AD
VALOREM SPECIAL ASSESSMENTS LEVIED
WITHIN THE UNINCORPORATED AREA OF THE
ISLAND OF KEY LARGO; STATING A NEED FOR
SUCH LEVY; PROVIDING FOR THE MAILING OF
THIS RESOLUTION; AND PROVIDING FOR AN
EFFECTIVE DATE.

G. COMMISSIONER ITEMS

H. BULK ITEMS
2. KLWTD Board Meeting minutes of Dec. 7, 2005 (Action)

I. FINANCIAL OFFICER’S REPORT
3. Pending Payments List (Action)
4. KLWTD Liability Insurance Status

J. LEGAL COUNSEL REPORT
5. RESOLUTION NUMBER NO. XX-XX-XX
A RESOLUTION OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT
ESTABLISHING INITIAL MONTHLY RATES AND
CHARGES FOR WASTEWATER COLLECTION,
TRANSMISSION, TREATMENT, AND DISPOSAL;
AND PROVIDING AN EFFECTIVE DATE.
6. RFQ for Billing (Action)
7. One Year Notice to Calusa Camp Ground (Action)
8. RESOLUTION 21-12-05
A RESOLUTION OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT,
REQUESTING THE ASSISTANCE OF
REPRESENTATIVE KEN SORENSSEN TO AMEND THE
KEY LARGO WASTEWATER TREATMENT DISTRICT
ACT TO PROVIDE THAT DISTRICT WASTEWATER
CHARGES SHALL BECOME A LIEN UPON REAL
PROPERTY

(K. ENGINEER’S REPORT
9. Residential Lateral Connection Status

L. GENERAL MANAGER’S REPORT
10. New Administrative Assistant Position
11. New Employment Agreement for General Manager

M. COMMISSIONER NEW ITEMS AND ROUNDTABLE

N. ADJOURNMENT
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005

☑ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

☐ ORDINANCE ON FIRST READING
☐ BID/RFP AWARD

☑ GENERAL APPROVAL OF ITEM
☐ CONSENT AGENDA

Other:

SUBJECT: Resolution No. 20-12-05 electing to use the uniform method of collecting non-ad valorem special assessments.

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-15-05

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☑ Engineering
☑ Clerk

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: This is a duplicate of the District’s resolution last year to impose a special assessment for wastewater projects. The intent is to assess the properties benefiting from the northern components project. This is not a decision to impose the special assessment but it gives the District the option to in 2006.

Resulting Board Action:
☑ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
RESOLUTION NO. 20-12-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, KEY LARGO, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE ISLAND OF KEY LARGO; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District (the “District”) is contemplating the imposition of special assessments for the provision of wastewater management services;

WHEREAS, the District intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing wastewater management services to property within the unincorporated area of the District as authorized by section 197.3632(3)(a), Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2006, in the same manner as provided for ad valorem taxes; and

WHEREAS, the District held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF KEY LARGO, FLORIDA, THAT:

Section 1. Commencing with the Fiscal Year beginning on October 1, 2006, and with the tax statement mailed for such Fiscal Year, the District intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632(3)(a), Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing wastewater management services. Such non-ad valorem assessments shall be levied within the unincorporated area of the District. The area potentially subject to the assessment is described as follows:
The territory consisting 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 2. The District hereby determines that the levy of the assessments is needed to fund the cost of wastewater management services within the unincorporated area of the District.

Section 3. Upon adoption, the Board Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Monroe County Tax Collector, and the Monroe County Property appraiser by January 10, 2006.

Section 4. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 21st day of December, 2005.

THE REST OF THIS PAGE IS LEFT BLANK INTENTIONALLY
The foregoing RESOLUTION NO. 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>
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</thead>
<tbody>
<tr>
<td>Gary Bauman</td>
<td>___</td>
<td>___</td>
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<tr>
<td>Claude Bullock</td>
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<td>Andrew Tobin</td>
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<td>Charles Brooks</td>
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<tr>
<td>Glenn Patton</td>
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The Chairman thereupon declared Resolution No. 20-12-05 duly passed and adopted the 21st day of December, 2005.

KEY LARGO WASTEWATER TREATMENT DISTRICT
BY: ________________
Chairman Patton

ATTEST: Approved to as to form and legal sufficiency
______________
Carol Walker, Clerk

District Counsel, Thomas Dillon

SEAL
TAB 2
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 2

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

[ ] Other:

SUBJECT: Minutes of December 7, 2005 Board Meetings

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

Approved by General Manager
Date: 12-15-05

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</tr>
<tr>
<td>[] Finance</td>
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</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__________________

Summary Explanation/Background:

Resulting Board Action:
☐ Approved    ☐ Tabled    ☐ Disapproved    ☐ Recommendation Revised
MINUTES
Key Largo Wastewater Treatment District (KLWTD)
Board of Commissioners Meeting

December 7, 2005
98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 7, 2005 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

Approval of the Agenda
Chairman Patton requested that Items I 5 & I 6 be moved to the front of the agenda. He also requested that a Manager’s Report on Calusa Campground be added as K 7.

Commissioner Bullock requested that K10 be made F 2.

Tom Dillon District Counsel requested that a discussion on Homeowner’s Parks be added as I 8.

MOTION: Commissioner Bauman made a motion to approve the agenda as amended. Commissioner Bullock seconded the motion.

Vote on motion

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<th>MEMBER</th>
<th>YES</th>
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<tr>
<td>Commissioner Tobin</td>
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<tr>
<td>Commissioner Bullock</td>
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<td>Commissioner Bauman</td>
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<td>Chairman Patton</td>
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</table>

Motion passed 5 to 0

Public Comment
The following persons addressed the Commission: No public comment at this meeting.
One-Year Notice to Calusa Campground

Commissioner Bullock asked what the impact would be on the District's budget if Calusa had to put in their own system instead of the District doing it. Mr. Dillon responded by explaining that the budget would be improved.

Chairman Patton explained that the current KLWTD Rules and Regulations say that the District does not go on private property. If a Park falls under 513 then the Rules and Regulations now state that they will be charged according to their flow.

Mr. Dillon, District Counsel, stated that the KLWTD Rules and Regulations are currently a draft. The Board has the authority and the opportunity to think about how they want to treat hotels, motels, and RV parks. Mr. Dillon explained to the Board that if they want to come up with a different way to charge the hotels, motels, and RV parks an assessment no precedent has been set yet. He further explained that the Rules are not final and the Board has the authority to do what is fair and reasonable based on substantial evidence in the record.

Commissioner Bullock would like the Board to consider putting in a caveat in the one-year notice that says if a lot is converted to a single-family lot then it converts to one EDU.

Commissioner Bauman suggested that instead of the one-year notice having two different subjects a letter should be sent to the Homeowner’s Association covering Commissioner Bullock’s concerns.

Commissioner Tobin would like to see all of the rate issues dealt with in one document. He does not have a real philosophical problem with charging Calusa Campground by flow but he would like to see how all of the RV Parks work. Commissioner Tobin would like staff to come back with a report and a recommendation.

Mr. Dillon said that he had asked Nabor's Giblin if Calusa Campground had to be treated the same as hotels, and motels and they said yes because they have a permit under 513.

Commissioner Brooks asked if the rate issue is going to be brought up and is the Board going to change the rates that have already been adopted.

Mr. Dillon stated that they have been approved in draft form.

Commissioner Brooks stated that he sees problems with passing a separate rate resolution. He asked which has priority the resolution or the Rules and Regulations.

Mr. Dillon explained that the last one adopted takes precedence.

Mr. Dillon asked for clarification: One, the Board wants to take the rates out of the Rules and Regulations and address them by resolution, two, the Board wants Mr. Dillon to
contact Nabors Giblin to assist in what should be in the rate resolution, three, is Calusa Campground a Park, four, is Silver Shores the same as Calusa Campground.

Commissioner Tobin made a motion to approve the one-year notice to Calusa Campground and Commissioner Bauman seconded the motion. After discussion from the Board the motion was withdrawn.

Commissioner Brooks stated that in the one-year notice the last paragraph states that the property owner has to get a permit and abandon their system. They do not have systems and the Association has to pull the permit. This just raises the pressure on the property owners. Commissioner Brooks would like to see the letter state that the Association is the one to pull the permits.

Mr. Dillon explained that the letter in the agenda package is not the letter that had been rewritten at the Board’s request.

The Board elected to table the matter until the next meeting.

**Commissioner Items**

*Discussion of Treatment Plant Expansion and Federal Funding.*

Charles F. Fishburn, General Manager reviewed him memo that was in the agenda package and told the Board that the FONSI for the expansion is being held up environmentally. The $500,000 should come some time next year.

Commissioner Bullock expressed concern over the Army Corps wanting say over the entire KLWTD Project. He was concerned that the District does not have a green light permit for the expansion yet.

Commissioner Brooks clarified that there is a document that states that Monroe County will do the mitigation for the District.

Commissioner Bullock stated that the District should go forward with the documents, let it work through the system, get the documents signed, and bring the projects up to speed to get the District’s $29.5 million as time goes on.

The Board directed staff to go forward with making a case for obtaining the additional 1.6 acre of land for the plant expansion.

**Designated Board Seats for Election**

Commissioner Bauman was concerned that there would not be enough community spirited people in Key Largo to run for the Seats and one may go unfulfilled. He would like to see the District go through one more election at large and see what type of qualified candidates turn out.

Commissioner Bullock could support either way.
Commissioner Brooks supports the Designated Seats. The only qualification should be the willingness to serve.

Commissioner Tobin stated that he has mixed emotions about the subject. Some people like the non-adversarial election.

Chairman Patton would like to keep it at-large.

**MOTION:** Commissioner Brooks made a motion to change the election process to Designated Seats. Commissioner Bullock seconded the motion.

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<thead>
<tr>
<th>MEMBER</th>
<th>YES</th>
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<th>OTHER</th>
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<tbody>
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<td>Chairman Patton</td>
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Motion failed 1 to 4

**Bulk Items**

*Minutes of November 16, 2005*

**MOTION:** Commissioner Bullock made a motion to approve the minutes of November 16, 2005. Commissioner Bauman seconded the motion.

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Motion passed 5 to 0

Commissioner Bauman was excused from the meeting at 6:55 PM.

**Financial Officer’s Report**

*Pending Payments List of December 7, 2005*

Martin Waits presented the pending payments list.

Commissioner Brooks expressed concern that he had not had time to read the Pending Payments list and would not be voting for approval of it.
MOTION: Commissioner Tobin made a motion to approve the pending payment list of December 7, 2005 contingent upon availability of funds. Commissioner Bullock seconded the motion.

Vote on motion

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Motion passed 3 to 1

Staff was directed to report back to the Board on the insurance limits and rates.

Legal Counsel Report

RFQ for Billing
After discussion from the Board members it was decided to have Chairman Patton work with Tom Dillon and they would contact companies and outline specific scopes of the KLWTD Projects with them.

Trustee for Employees 401K Plan

MOTION: Commissioner Bullock made a motion to appoint Martin Waits as the Trustee for the Employees 401K Plan. Commissioner Tobin seconded the motion.

Vote on motion

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<tr>
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Motion passed 4 to 0

Homeowner Association Parks
Mr. Dillon explained that there have been two requests from Homeowner Association Parks to exempt their parks from the Wastewater Assessment.

Commissioner Tobin suggested that the Homeowner Associations pass a resolution asking for an exception, agreeing that the land will not be developed, and if it is developed they will pay full price for a hook up. The District Counsel should develop a form for exemption.

Engineer's Report

Monthly Report
Ed Castle reviewed the monthly report that he submitted in the agenda package.
Mr. Castle reported that it was decided at the FDEP meeting that only one deep well will be required for the KLWTD Treatment Plant.

After a discussion on the process of getting permits to put in the property owners laterals the Board directed staff to submit recommendations on streamlining the permitting process for homeowners.

**Manager’s Report**

*Board Meeting Dates for 2006*

**MOTION:** Commissioner Bullock made a motion to approve the first and third Wednesday of each month except for July and August which will be the second and fourth Wednesday of those months for the regular meeting dates for 2006. Commissioner Tobin seconded the motion.

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<td>Chairman Patton</td>
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Motion passed 4 to 0

Commissioner Brooks wanted to make sure that the meetings would be advertised in the local papers during the year. The Clerk assured Commissioner Brooks that they will be advertised locally on a monthly basis.

**Commissioner’s New Items and Roundtable**

Commission Bullock wanted to remind the Board that they need to continue to move forward with the Rules and Regulations.

Chairman Patton assured Commissioner Bullock that the Rules and Regulation will be changed to agree with the resolutions setting fees in the future.

Commissioner Tobin feels that “how to determine an EDU” should be in the rate resolution. He would like anything to do with rates in one document. Chairman Patton feels that it should be in the Rules and Regulations.

**Adjournment**

The KLWTD Board adjourned the meeting at 8:24 PM.
The KLWTD meeting minutes of December 7, 2005 were approved on December 21, 2005

______________________________
Chairman Glenn Patton

______________________________
Carol Walker, CMC
Board Clerk
**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**  

Meeting Date: December 21, 2005  
Agenda Item No. 3

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

**SUBJECT:** Pending Payments list for December 21, 2005

**RECOMMENDED MOTION/ACTION:** Motion to approve pending payments list for December 21, 2005 contingent upon available funds.

Approved by General Manager  
Date: 12-16-05

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: $</th>
<th>Attachments: Pending Payments List</th>
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All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.

Yes I have notified everyone______________  
or  
Not applicable in this case______________.

Please initial one.

**Summary Explanation/Background:**

**Resulting Board Action:**

- [ ] Approved  
- [ ] Tabled  
- [ ] Disapproved  
- [ ] Recommendation Revised
Key Largo Wastewater Treatment District

Payments Pending 12/21/05
Prepared 12/16/05

CONSOLIDATED CASH BALANCE FORWARD

$ 668,180.26

**Administration & Operations**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Cash Balance A&amp;O Account Forward</td>
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<tr>
<td>Plus: MSTU Draw #13</td>
<td>$58,054.38</td>
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<tr>
<td>Service Fees</td>
<td>$1,600.00</td>
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<td><strong>Sub-total Receipts</strong></td>
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<tr>
<td>Less: FMIT - Health Insurance Premium (December)</td>
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<td>Grau &amp; Associates - Audit Progress Billing</td>
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<td>Airvac - Gravity Air Intake Screens</td>
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<td>Postmaster - P.O. Box Fee (2006)</td>
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<td>Key Breeze Engraving - Name Plate</td>
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<td>America General - Cleaning Service</td>
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<td>Board Compensation - November</td>
<td>$2,700.00</td>
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<td>Staff Salaries - November</td>
<td>$11,473.42</td>
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<td>Payroll Benefits - November</td>
<td>$1,736.05</td>
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<td><strong>Sub-total Invoices</strong></td>
<td>$20,248.63</td>
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Cash Balance A&O Account If All Paid

$150,916.05

Memo: MSTU Draw #14 Submitted 10/11/05 $ 7,341
      MSTU Draw #15 Submitted 12/12/05 $74,742

**Key Largo Park**

<table>
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<td>Less: ADB - November</td>
<td>$277,460.86</td>
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<td>Staff Salaries (incl. benefits) - November</td>
<td>$7,068.74</td>
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Cash Balance KLP Account If All Paid

$(715,014.62)

Memo: MC Cesspit Draw #1 Submitted 7/22/05 $ 17,464
      FDEP Draw #7 Submitted 11/3/05 $389,393

**Key Largo Trailer Village**

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<tr>
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<td>Less: Airvac - 3&quot; Valves &amp; Breathers, Field Services</td>
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<td>Haskell - November</td>
<td>$135,780.93</td>
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<td>Staff Salaries (incl. benefits) - November</td>
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<td><strong>Sub-total Invoices</strong></td>
<td>$151,246.27</td>
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Cash Balance KTV Account If All Paid

$(96,295.92)

Memo: FEMA Draw #6 Submitted 7/20/05 $485,711
      FEMA Draw #9 (Final) Submitted 8/02/05 $ 8,373

**North Key Largo Development**

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<td>Cash Balance KLNC Account Forward</td>
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<td>Plus: SRF Loan Proceeds</td>
<td>$250,000.00</td>
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<td>Less: Staff Salaries (incl. benefits) - November</td>
<td>$1,146.81</td>
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<tr>
<td><strong>Cash Balance KLNC Account If All Paid</strong></td>
<td>$1,181,057.82</td>
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**CONSOLIDATED CASH BALANCE IF ALL PAID**

$ 575,613.68

**NOTE: A TOTAL OF $993.024 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING.**

Approved for payment:

Glenn Patton, Chairman
Andrew Tobin, Secretary
**KEY LARGO WASTEWATER TREATMENT DISTRICT**  
**Agenda Request Form**

Meeting Date: December 21, 2005  
Agenda Item No. 4

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

**SUBJECT:** K LWTD Liability Insurance Status

**RECOMMENDED MOTION/ACTION:** Discussion

Approved by General Manager  
Date: 12-16-05

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**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.

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<th>Yes I have notified everyone</th>
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<tr>
<td>Not applicable in this case</td>
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<td>Please initial one.</td>
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**Summary Explanation/Background:** Staff is reviewing our liability insurance costs and coverage. A verbal update will be presented at the Board Meeting.

**Resulting Board Action:**  
- [ ] Approved  
- [ ] Tabled  
- [ ] Disapproved  
- [ ] Recommendation Revised
Martin Waits

From: Thomas M. Dillon [lawtd@bellsouth.net]
Sent: Thursday, December 08, 2005 2:30 PM
To: 'Martin Waits'
Cc: 'Carol Walker'; 'Chuck Fishburn'
Subject: Insurance premiums

Marty,

At your request I have reviewed the insurance declarations and policies provided by the Florida Municipal Insurance Trust.

I note that the coverage provided appears to be based on District payroll ($385,090). It is difficult for me to understand how payroll is a proxy for the risk covered by the insurance. Nevertheless, I understand that Seidlin was unable to obtain similar coverage that was competitively priced with District coverage.

I note also that the General/Professional liability limit is $5,000,000, which is far in excess of the District’s exposure, taking into consideration the limitation on liability of state agencies, including special districts, under § 768.28 F.S. The limitation of liability is $100,000/plaintiff and $200,000/occurrence. There may be an opportunity to realize savings by selecting a lower limit of liability. However, I would not recommend reducing the limit to the statutory maximum; I would think that $300,000 per plaintiff, $500,000 per occurrence would be more than adequate.

I note also that the deductible amounts for each type of coverage other than “supplemental employment practices liability” is $0, and that the deductible amount for “supplemental employment practices liability” is $2,500. The first dollars of insurance coverage are the most expensive. There may be an opportunity to realize savings by selecting a higher deductible. Normally, selecting a higher deductible will result in greater savings than selecting a lower limit of liability. Also, the District should consider setting aside funds to cover deductibles in an amount equal to 200% of the deductible.

It is not clear to me why the District has medical attendants’/medical directors’ malpractice liability coverage, given that the District does not have medical attendants or a medical director.

I suggest that we try to get a breakdown of premiums and coverage options so that the Board can decide whether to eliminate some types of coverage or to reduce policy limits or raise deductibles.

Tom

Thomas M. Dillon

12/8/2005
# Key Largo Wastewater Treatment District
## Agenda Request Form

**Meeting Date:** December 21, 2005

**Agenda Item No:** 5

- [ ] PUBLIC HEARING
- [ ] Ordinance on Second Reading
- [ ] Public Hearing
- [X] RESOLUTION
- [X] DISCUSSION
- [ ] ORDINANCE ON FIRST READING
- [ ] BID/RFP AWARD
- [ ] GENERAL APPROVAL OF ITEM
- [ ] CONSENT AGENDA

**Other:**

**SUBJECT:** A draft resolution establishing initial monthly rates and charges.

**RECOMMENDED MOTION/ACTION:** Discussion

Approved by General Manager

**Date:** 12-15-05

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| [] Engineering |
| [] Clerk |

**Attachments:** Draft Resolution

**Advertised:**

- No necessary

**Summary Explanation/Background:** District Staff and Consultants have carefully considered the monthly base charge for all customers and propose the attached resolution.

**Resulting Board Action:**

- [ ] Approved
- [ ] Tabled
- [ ] Disapproved
- [ ] Recommendation Revised
SECTION 3

WASTEWATER RATE DESIGN

RATE DESIGN

Rate design involves the calculation of monthly rates and charges for each customer classification (i.e., residential, commercial, etc.). The goal of this task is to establish a pricing structure or formula to recover the total revenue requirements of the utility system in an equitable manner, consistent with the cost of providing service, regulatory guidelines, overall revenue stability, and the utilities' fiscal and pricing policies. The proposed utility rates, to the extent practical, should meet the following criteria for service provided by publicly owned utilities:

- Utility rates should be based on a policy that calls for the lowest possible prices consistent with the requirements of providing quality service on an ongoing basis.

- Utility rates should be simple and understandable.

- Utility rates should be equitable among customers, taking into consideration the cost of providing service to the various users of the system.

- Utility rate and cost recovery strategies should recognize the system's current financial needs, when rates were last adjusted, and where possible help develop approaches to avoid "rate shock" in the future.

- Utility rates should be designed to encourage the most efficient use of the utilities' utility plant investment and discourage unnecessary or wasteful use of resources.

- Utility rates should comply with applicable orders and requirements of state and federal regulatory authorities, if any, that may have jurisdiction.

Other considerations that have an effect on the design of the user fees include revenue stability, historical rate form, and competitiveness with neighboring utility systems.

In order to make a reasonable determination of the projected revenues from each customer classification, it is beneficial to have a customer bill frequency analysis. The bill frequency analysis summarizes the number of bills rendered at various consumption levels for each customer classification, and provides a way to analyze the effect of any change in rates.

On behalf of the KLD, the Florida Keys Aqueduct Authority (FKAA) provided PRMG with customer and sales information by customer classification and service type on a monthly basis for the thirty-six (36) month period from January 2002 through December 2004. The billing information is used to develop a bill frequency analysis for the wastewater system. This bill frequency analysis is used to develop a projection of detailed billing determinants for those
RESOLUTION NUMBER NO. XX-XX-XX

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ESTABLISHING INITIAL MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District has sought and carefully considered advice from District staff and consultants regarding the anticipated costs of wastewater collection, transmission, treatment, and disposal; and

WHEREAS, the District desires to adopt and implement rates and charges to allocate among its customers the costs of wastewater collection, transmission, treatment, and disposal, including establishment of funds, as appropriate, for repair and replacement of facilities;

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 Volume" means monthly water consumption volume as adjusted under Section 3.01.B, Section 3.02.B, Section 3.03.B, or Section 3.04.B.

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

"Commercial Accommodation" means a hotel, motel, or other similar facility, or a facility regulated under chapter 513, Florida Statutes. The fact that a facility may include one or more units that are made available as housing for facility staff or employees does not remove the facility from the class of Commercial Accommodation, and all units that are a part of a hotel, motel, or other similar property, or a property regulated under chapter 513, Florida Statutes, are deemed to be a part of the Commercial Accommodation.

"Commercial Accommodation Wastewater Service" means wastewater service to a Commercial Accommodation.

"District" means the Key Largo Wastewater Treatment District.
“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), or one mobile home or 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.

“FKAA” means the Florida Keys Aqueduct Authority.

“Mixed-Use Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where one or more connections from the water meter leads to a Dwelling Unit and one or more connections from the water meter leads to a premises that is not a Dwelling Unit or a Commercial Accommodation.

“Monthly Commercial Accommodation Base Charge” means the recurring monthly charge imposed upon Commercial Accommodation customers, as calculated under Section 3.04.A.

“Monthly Commercial Accommodation Volumetric Charge” means the recurring monthly charge imposed upon Commercial Accommodation customers, as calculated under Section 3.04.B.

“Monthly Mixed-Use Base Charge” means the recurring monthly charge imposed upon non-residential customers, as calculated under Section 3.03.A.

“Monthly Mixed-Use Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.03.B.

“Monthly Non-Residential Base Charge” means the recurring monthly charge imposed upon non-residential customers, as calculated under Section 3.02.A.

“Monthly Non-Residential Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.02.B.

“Monthly Residential Base Charge” means the recurring monthly charge imposed upon residential customers, as calculated under Section 3.01.A.

“Monthly Residential Volumetric Charge” means the monthly charge based on volume of water consumed, calculated from FKAA consumption records under Section 3.01.B.
“Monthly Volume” means the volume of water (in gallons) consumed by a customer in a month, calculated from FKAA consumption records.

“Non-Residential Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where each connection from the water meter leads to a premises that is not a Dwelling Unit or a Commercial Accommodation.

“Rate Resolution” means this resolution.

“Residential Wastewater Service” means wastewater service to a structure that receives water service through an FKAA water meter where each connection from the water meter leads directly to a Dwelling Unit.

“State” means the State of Florida.

“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, as amended), the Key Largo Wastewater Treatment District possesses, among other powers, the powers to:

1. Perform such acts as shall be necessary for the sound 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;

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

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

B. The District has sought the advice of District staff and consultants to provide advice as to the rates necessary and appropriate to the sound operation and management of the District and its Wastewater Management Facilities.

C. The rates established by this Resolution has been the subject of considerable research into the projected revenue requirements of the District funds for operations, including maintenance and repair functions, to establish reserves for operational needs, including replacement of facilities, and to carry on the business functions of the District, including employment of personnel and consultants, insurance, and other functions.

D. Among other things, the Board contracted with Public Resources Management Group, Inc. ("PRMG") to conduct a study and make recommendations as to wastewater rates. 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.

E. In July 2005, the District entered into an interlocal agreement with Monroe County under which the District will receive grant funds to assist in expansion of the District's Wastewater Management Facilities include facilities to be constructed in an area of the island of Key Largo generally north of MM 100, and known as the "North Components." Among other things, the interlocal agreement prohibits the District, except as may be required by applicable law, from permitting connections to, or furnishing any services afforded by, the North Components without making a charge therefore based on the District's connection policies.
F. At the regular District meeting of December 7, 2005, the Board of Commissioners directed District Staff to make recommendations as to a rate structure and to prepare a rate resolution.

G. The rates established by this resolution will result in fair and reasonable apportionment of costs among the District’s customers.

H. The rates established by this Rate Resolution are imposed by the District, and not Monroe County.

I. The District intends to review the rates imposed under this Rate Resolution from time to time and will amend, modify, and supplement it as necessary and appropriate.

J. This Rate Resolution is limited to District rates, fees, and charges for normal monthly wastewater service. This Rate Resolution does not address plan review fees, service charges, pretreatment fees, filing fees, or other types of charges other than the direct charges to be imposed for wastewater service. Such rates, fees, and charges will be addressed in a separate resolution.

ARTICLE III
FEES AND CHARGES FOR WASTEWATER SERVICE

SECTION 3.01. RESIDENTIAL WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Residential Base Charge: $33.60 per Dwelling Unit receiving water service through a single FKAA water meter.

B. Monthly Residential Volumetric Charge: $5.27 per 1,000 gallons of water consumed.

1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.

2. The Monthly Residential Volumetric Charge will be calculated as follows:
   a. Divide the monthly consumption (in gallons) by 1,000;
   b. Adjust the result to the next higher whole number (provided that in no case will the result be increased to a number greater than 12) to arrive at Adjusted Volume;
   c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Residential Base Charge and the Monthly Residential Volumetric Charge for that month.
SECTION 3.02. NON-RESIDENTIAL WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Non-Residential Base Charge. $33.60 per Equivalent Dwelling Unit. The number of Equivalent Dwelling Units for purpose of determining the Monthly Non-Residential Base Charge is calculated from historic FKAA consumption records, as follows:

1. Review the consumption records for the FKAA water meter to determine the highest three-consecutive-month usage in the three calendar years ending on the last day of the year prior to the year in which the calculation is made;
2. Divide the consumption (in gallons) for the highest three-consecutive-month period by three to determine average monthly consumption;
3. Divide the average monthly consumption by 5,010;
4. Adjust the result to the next higher one-tenth.

B. Monthly Non-Residential Volumetric Charge: $5.27 per 1,000 gallons of water consumed.

1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.
2. The Monthly Non-Residential Volumetric Charge will be calculated as follows:
   a. Divide the monthly consumption (in gallons) by 1,000;
   b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;
   c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Non-Residential Base Charge and the Monthly Non-Residential Volumetric Charge for that month.

SECTION 3.03. MIXED-USE WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Mixed-Use Base Charge: The Monthly Mixed-Use Base Charge is calculated as follows:

1. Calculate the number of Equivalent Dwelling Units served through the water meter as in Section 3.02.A, above.
2. Calculate the number of Dwelling Units served through the water meter.
3. The Monthly Mixed-Use Base Charge is $33.60 multiplied by the greater of...
a. The number of Equivalent Dwelling units served through the water meter as calculated in Section 3.03.A.1, above, or
b. The number of Dwelling Units served through the water meter plus one.

B. Monthly Mixed-Use Volumetric Charge: $5.27 per 1,000 gallons of water consumed.
   1. The Monthly Volume will be calculated from meter data provided to the District by the FKAA.
   2. The Monthly Mixed-Use Volumetric Charge will be calculated as follows:
      a. Divide the monthly consumption (in gallons) by 1,000;
      b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;
      c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Mixed-Use Base Charge and the Monthly Mixed-Use Volumetric Charge for that month

SECTION 3.04. COMMERCIAL ACCOMMODATION WASTEWATER SERVICE MONTHLY CHARGE.

A. Monthly Commercial Accommodation Base Charge: The Monthly Commercial Accommodation Base Charge is calculated as follows
   1. Calculate the number of Equivalent Dwelling Units served through the water meter as in Section 3.02.A, above.
   2. Count the number of hotel rooms, motel rooms, or other similar accommodations comprising the facility.
   3. Count the number of RV spaces, tent camping spaces, and mobile home spaces comprising the facility.
   4. Count the number of Calculate the number of units made available as housing for facility staff or employees.
   5. The Monthly Commercial Accommodation Base Charge is $33.60 multiplied by the greater of
      a. The number of Equivalent Dwelling units served through the water meter as calculated in Section 3.04.A.1, above, or
b. The total number of hotel rooms, motel rooms, other similar accommodations, RV spaces, tent camping spaces, mobile home spaces, units made available as housing for facility staff or employees comprising the facility.

B. Monthly Commercial Accommodation Volumetric Charge: $5.27 per 1,000 gallons of water consumed.

   1. The monthly volume will be calculated from meter data provided to the District by the FKAA.

   2. The Monthly Commercial Accommodation Volumetric Charge will be calculated as follows:

      a. Divide the monthly consumption (in gallons) by 1,000;

      b. Adjust the result to the next higher whole number to arrive at Adjusted Volume;

      c. Multiply the Adjusted Volume by $5.27.

C. The monthly charge for a month is the sum of the Monthly Commercial Accommodation Base Charge and the Monthly Commercial Accommodation Volumetric Charge for that month.

ARTICLE IV

ADJUSTMENT OF FEES AND CHARGES

SECTION 4.01. ADJUSTMENT OF FEES AND CHARGES FOR WASTEWATER SERVICE. It is the policy of the District to permit customers to question and seek adjustments to certain types of charges, as follows:

A. Monthly Base Charges. The District shall calculate the Monthly Residential Base Charge, the Monthly Non-Residential Base Charge, the Monthly Mixed-Use Base Charge, and the Monthly Commercial Accommodation Base Charge (collectively, "monthly base charge") applicable to a customer based on all available information. The District will consider adjusting the monthly base charge for a customer for future months, where either:

   1. The use of the property changes, such that the calculation of the monthly base charge would be changed, or
2. The customer's consumption of water through an FKAA meter reflects a long-term (12 months or more) change in the pattern of consumption, such that the calculation of the monthly base charge would be changed. Adjustments to monthly base charges under this Section 4.01.A will be made for future months, only, and the District will not make adjustments for months earlier than the date on which the customer requests an adjustment.

B. Monthly Volumetric Charge. Except for errors in meter readings, there shall be no adjustment of a Monthly Volumetric Charge for a given month.

SECTION 4.02. PROCEDURES FOR REQUEST FOR REVIEW.

A. Time for Request. A customer may request adjustment of monthly charges at any time within sixty days of receipt of a bill for wastewater service. No adjustment will be made to any bill for wastewater service received more than sixty days prior to the date of request.

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 District Staff. District Staff 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 General Manager may conduct one or more informal discussions with the owner, and may request additional information and documentation. If requested by the owner, the General Manager 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**

**GENERAL PROVISIONS**

**SECTION 6.01. SEVERABILITY.** If any clause, section, or provision of this Rate 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 6.02. CONFLICT.** In the event that any portion of this Rate Resolution, or application thereof, conflicts with any State or federal law, such State or federal law shall prevail.

**SECTION 6.03. EFFECTIVE DATE.** This Rate Resolution shall take effect immediately upon its adoption by the District.
The foregoing RESOLUTION NO. XX-XX-XX 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:

Commissioner Gary Bauman  
Commissioner Claude Bullock  
Chairman Glenn Patton  
Commissioner Andrew Tobin  
Commissioner Charles Brooks

AYE        NAY

The Chairman thereupon declared Resolution XX-XX-XX duly passed and adopted the __ day of ______ 2006.

KEY LARGO WASTEWATER TREATMENT
DISTRICT GOVERNING BOARD

By
Glenn Patton, Chairman

Attest:  
Approved as to form and content:

By
Carol Walker, Board Clerk  
By
District Counsel

RESOLUTION NUMBER NO. XX-XX-XX
December 15, 2005
TAB 6
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005

Agenda Item No. 6

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] ORDINANCE ON FIRST READING
[ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM
[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: RFQ for Billing

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Signed: 
Date: 12-16-05

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All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.

Yes I have notified everyone__________

or

Not applicable in this case__________:

Please initial one.

Summary Explanation/Background: Staff is proceeding on the three-pronged approach to billing (FKAA, In House, and Outside Contractor). This RFQ is to get proposals for an outside contractor to provide billing and collection services for the District.

Resulting Board Action:

☐ Approved
☐ Tabled
☐ Disapproved
☐ Recommendation Revised
REQUEST FOR STATEMENT OF QUALIFICATIONS

The Key Largo Wastewater Treatment District (District) announces that services will be required as set forth herein:

CUSTOMER BILLING AND COLLECTION

A. PURPOSE OF THIS REQUEST FOR STATEMENT OF QUALIFICATIONS AND GENERAL SCOPE OF WORK

The District seeks Statements of Qualifications from firms that wish to provide billing and collection services. The District intends to enter into a service agreement with a qualified firm to perform the following work: obtaining water consumption data from the Florida Keys Aqueduct Authority (FKAA), preparing and sending wastewater bills to District customers, receiving funds on behalf of the District and depositing them in a District account, reconciling billing and collection data. After reviewing qualifications, the District will issue invitations to bid to the firms that the District considers to be qualified to perform the services.

Background and General Description of Services

The District is an independent special district of the State of Florida organized and existing under the Key Largo Wastewater Treatment District Act (ch. 2002-337 Fla. Stat., as amended) for the purpose of developing and operating a wastewater collection and treatment system on the Island of Key Largo, Florida. At full build out, the District expects to provide wastewater service to about 13,000 customers.

In 2003, the District commenced construction of the first phase of its wastewater system, which consists of a wastewater treatment plant with a nominal capacity of 183,000 gallons/day, a vacuum system, and three collection systems extending to about 600 customers. The District expects to begin collecting wastewater from about 200 customers in March of 2006, and to bring the remaining customers on line shortly thereafter.

In addition, the District has received financing commitments to construct a wastewater treatment plant with a nominal capacity of 2.25 million gallons/day, a six mile transmission main, and collection systems reaching 1,100 additional customers. The District expects to begin serving these customers in early 2008.

The District has established a rate schedule consisting of two parts: a fixed monthly fee charged in advance and a flowage fee. The flowage fee is calculated based on meter readings generated by the FKAA and to be made available in electronic format.

The successful bidder will apply the fixed monthly fees, calculate the flowage fees, and generate monthly invoices. At present, the District intends that the successful bidder will also receive the bill payments, deposit the funds into a designated District account, and provide monthly reports of customer accounts and accounting reconciliations to the District. The successful bidder will implement procedures to collect delinquent accounts, but the District will undertake needed collection litigation and other extraordinary actions.
**Minimum Qualifications**

The district intends to issue invitations to bid to firms that demonstrate a capability to undertake the work satisfactorily. Such firms will have the following minimum qualifications:

- Established record of satisfactory performance of wastewater or other utility billing in Florida;
- Demonstrated understanding and use of billing calculation and collection hardware and software, personnel, and business procedures;
- Established offices, organization and business operations in Florida.
- Not less than five references from satisfied customers, preferably in Florida;
- Adequate bonding and insurance commensurate with the services provided, including without limitation liability insurance and fidelity bonding.

**B. GENERAL CRITERIA FOR SELECTION**

1. **Schedule**
   - Advertise for Statement of Qualifications: December 2005
   - Submittal Deadline: January 27, 2006
   - KLWTD Board Approval of Recommended Firm(s): Feb. 1, 2006

2. **Information to Be Submitted**

Submit responses to the Request for Statements of Qualifications (SOQ) in the format described below. Any deviation from this format may result in the Firm’s disqualification.

The SOQ shall be limited to the following: a Letter of Interest and four sections as discussed below:

**One Page Letter of Interest:**
Transmittal letter indicating interest in the SOQ.
Note: One page maximum

**Section 1 – Knowledge of Wastewater Utility Billing Issues:**
Describe the Firm’s understanding of wastewater billing issues and how the Firm addresses them.
Note: Five pages maximum

**Section 2 – Qualifications of Staff Assigned to Project:**
1. Identify only individuals who will actually work on the project. Include any consultants that may be engaged by the Firm in the execution of the project.
2. Describe specific assignments and functions of each individual.
3. Provide an organization chart for the Firm’s employees and consultants who will work on the project.
4. Resumes of the individuals and identified in Item 1, above
4. Resumes of the individuals and identified in Item 1, above

**Section 3 – Proficiency of Firm**

Provide a summary the Firm’s (and consultants’, if any) proficiency in each of the areas described in the Scope of Work for the task of interest. Include cost-benefit analysis and contract document preparation proficiency.

**Section 4 – Specific Project Examples:**

Provide a summary of up to five projects of similar scope to the task of interest. The summary should include a brief project description, cost information (Firm’s fees, estimated cost, actual cost, change order costs, etc.), Firm’s employees and consultants who worked on the project and their assignment, client contact person and their telephone number and email address. Include examples of bills issued, reports generated, and use of alternative or innovative technology to achieve cost savings.

3. **Method of Selection**

Individual members of District staff shall:

1. Independently evaluate and rank each SOQ with respect to the professional services proposed.
2. Identify those Firms that are qualified to provide the desired services.
3. Forward its selection(s) to the District General Manager, who will make an independent recommendation to the District Board and recommend that the Board authorize the K LWTD General Manager to issue invitations to bid to the approved Firm(s).

Do not contact any member of District staff other than the District Finance Officer regarding this SOQ. Contacting a staff member other than the Finance Officer to discuss the SOQ will result in the Consultant’s disqualification from the selection process. The District Finance Officer is Martin Waits.

The K LWTD Board may, at its sole option, reject or modify the General Manager’s recommendations.

C. **NOTES TO ALL PROSPECTIVE FIRMS**

Be brief but concise in your submittal. **THERE WILL BE NO INTERVIEWS IN CONNECTION WITH THE SELECTIONS UNDER THIS REQUEST FOR STATEMENTS OF QUALIFICATIONS.** Potential and actual respondents are hereby put on notice that the only data and information upon which selection will be based is the Firm’s SOQ and information provided by client references.

The District is interested in Firms that can provide all or most of the expertise needed to provide the desired services for each task. However, it is recognized that certain areas may require expertise beyond that of the submitting Firm. For specialty functions, the use of consultants is acceptable, but the Firm should be qualified to perform the bulk of the work using its own employees.
The District will not be responsible for any expenses incurred by a Firm in preparing or submitting an SOQ.

The SOQ is to be submitted in a sealed envelope. The face of the envelope for submissions in response this RFQ shall contain the following title: “Response to Billing and Collections RFQ.”

D. SUBMITTAL REQUIREMENTS

Submit one (1) original and nine (9) copies of the SOQ on or before 2:00 PM Friday, January 6, 2006 to:

Charles Fishburn, General Manager
Key Largo Wastewater Treatment District

Mailing address:
P.O. Box 491
Key Largo, FL 33037

Street address:
98880 Overseas Highway
Key Largo, Florida 33037

The SOQ must be received on or before the time and date specified herein or it will be disqualified.

Address questions regarding the SOQ in writing only to:

Martin Waits, Finance Officer
Key Largo Wastewater Treatment District
See addresses above.

All questions must be received by the KLWTD, attention Martin Waits, at least ten (10) working days before the SOQ submittal due date.
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 7

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

[ ] Other:

SUBJECT: Calusa Campground One-Year Notice

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager C.F. [Signature]
Date: 12-15-05

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Summary Explanation/Background: The “One-Year Notice” to Calusa Campground owners is presented for approval.

Resulting Board Action:
\[\] Approved
\[\] Tabled
\[\] Disapproved
\[\] Recommendation Revised
Dear Property Owner:

In accordance with Florida Law, you are hereby officially notified that a central sewer system will be available to your property not less than one calendar year from the date of this Official One-Year Notification, shown above.

Our most recent records from the Monroe County Appraiser’s Office show that you are a property owner of record in the area commonly known as Calusa Campground, Key Largo, Florida, and that the property is improved and served by an onsite sewage treatment and disposal system. A copy of this notice is being sent to your condominium association manager.

The District has previously inspected your onsite sewage treatment and disposal system, and determined that it suffers from serious problems. Specifically, the system suffers a significant lack of integrity, resulting in saltwater intrusion. As a result, your system will require substantial repair or replacement before it will be capable of delivering wastewater meeting the District’s standards.

We have discussed these problems with your condominium association, and provided our engineer’s report and recommendations as to the alternatives available. Your association should retain the services of a qualified wastewater engineering firm to review this report and make a recommendation as to the best way to proceed.

The District will make its engineers and other staff available to you and your engineer, and we will provide all needed information about the District’s wastewater standards and the physical connection that the District will make available to your condominium association. Your condominium association will need to obtain a permit from the Monroe County Health Department, Monroe County Building Department, and possibly other agencies, for installation of a connection to our system and proper abandonment of your onsite sewage treatment and disposal system.

The Key Largo Wastewater Treatment District expects that construction of the system will be complete in March 2006.

You and your condominium association are responsible to connect to the operational sewer collection system within thirty calendar days after official notification by the Key Largo Wastewater Treatment District that operational service is available, or within a timeframe officially specified by the Key Largo Wastewater Treatment District greater than thirty calendar days after such notification.

This Official One-Year Notification is certified to be in accordance with applicable law.

Yours,

____________________________
Charles F. Fishburn
General Manager

Board of Commissioners: Chairman Patton, Commissioners G. Bauman, A. Tobin, C. Brooks, and C. Bullock
Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 8

[ ] PUBLIC HEARING  [X] RESOLUTION
[ ] Ordinance on Second Reading  [X] DISCUSSION
[ ]  Public Hearing

[ ] ORDINANCE ON FIRST READING  [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Resolution No. 21-12-05 requesting assistance from Representative Ken Sorensen to amend the Key Largo Wastewater Treatment District Act to provide that District Wastewater charges shall become a lien upon real property.

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-15-05

<table>
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<th>Costs: $</th>
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<tr>
<td>District Counsel</td>
<td>[] Engineering</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>
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<tr>
<td>General Manager</td>
<td>[] Clerk</td>
<td>Yes I have notified everyone ___ or Not applicable in this case __________: Please initial one.</td>
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<tr>
<td>Finance</td>
<td>[]</td>
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Summary Explanation/Background: This resolution corrects an omission in the original act creating the District.

Resulting Board Action:
☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
RESOLUTION 21-12-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE KEN SORENSEN TO AMEND THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO PROVIDE THAT DISTRICT WASTEWATER CHARGES SHALL BECOME A LIEN UPON REAL PROPERTY

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 on the Island of Key Largo; and

WHEREAS, the District expects to begin providing service to customers and charging them for wastewater service in March or April of 2006; and

WHEREAS, the District has been advised that its ability to collect delinquent wastewater charges would be greatly enhanced if its authorizing legislation were amended to provide that District wastewater charges shall become a lien on real property, as is the case with the authorizing legislation of the Florida Keys Aqueduct Authority; and

WHEREAS, the District has been advised that its ability to obtain financing to complete construction of wastewater management facilities throughout the District will be greatly enhanced; and

WHEREAS, the District desires the assistance of Representative Ken Sorensen in amending the Key Largo Wastewater Treatment District Act (ch. 2002-337, as amended) (hereinafter, the "Act") to provide that District wastewater charges shall become a lien upon real property;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests Representative Ken Sorensen’s assistance in amending the Act, substantially as follows:

Amend Subsection 4.2.J of the Act to read as follows

(J) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The District may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the District may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The District may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services,
and reasonable attorneys' fees and other expenses SHALL BE A LIEN UPON ANY SUCH PARCEL OF PROPERTY SUPERIOR AND PARAMOUNT TO ANY INTEREST EXCEPT THE LIEN OF COUNTY OR MUNICIPAL TAXES AND SHALL BE ON A PARITY WITH ANY SUCH TAXES, AND may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment by any other lawful method of enforcement.

[Added words are in ALL CAPS.]

The foregoing RESOLUTION NO. 21-12-05 was offered by Commissioner

who moved its approval. The motion was seconded by Commissioner

being put to a vote the result was as follows:

<table>
<thead>
<tr>
<th>Commissioner Gary Bauman</th>
<th>AYE</th>
<th>NAY</th>
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<tr>
<td>Commissioner Claude Bullock</td>
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<td>Commissioner Charles Brooks</td>
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<td>Commissioner Andrew Tobin</td>
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<td>Chairman Glenn Patton</td>
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The Chairman thereupon declared Resolution No. 21-12-05 duly passed and adopted the 21st day of December, 2005.

KEY LARGO WASTEWATER TREATMENT
DISTRICT BOARD OF COMMISSIONERS

By

Glenn Patton, Chairman

Attest:

By

Carol Walker, Board Clerk

Approved as to form and content:

Distric Counsel

KLWTD Resolution 21-12-05
KEY LARGO WASTEwATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 9

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

SUBJECT: Residential Lateral Connection Status

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager:
Date: 12-16-05

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<td>or</td>
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<td>Not applicable in this case:</td>
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<td>Please initial one.</td>
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Summary Explanation/Background: Lateral connections by homeowners in KLTV are proceeding slowly. Staff is working to expedite the process. Using underground contractors for lateral connections should increase the availability of licensed contractors.

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

To: K LWTD Board
From: Margaret Blank, PE
CC: Chuck Fishburn
Date: December 13, 2005
Re: Status of Residential Hook-ups

Introduction:

The 0.183 MGD Wastewater Treatment Plant needs approximately 150-200 connections before it can begin operation. So far twelve have been inspected and approved by K LWTD. Residents have reported that it is sometimes difficult to find plumbers to do the work. Plumbers have expressed concerns that the permitting process is taking too much time.

Permitting:

The first step for anyone seeking to install a residential sewer hook-up is to obtain an original, sealed Approval Letter from the District. A septic tank abandonment permit is required from the Health Department, and a Building Department permit is required to install the lateral. There is a $40 fee for the Health Department permit, and a $52 fee for the Building Department permit. There is an additional $10 recording fee for the Building Department permit.

The turn-around time for building permits had been two weeks. After speaking with Joe Paskilak, the Monroe County Building Official, the turn-around time has decreased to less than a week. However, the turnaround time at the Health Department is still approximately two weeks.

Plumbers and Contractors:

Joe Paskilak has informed me that underground contractors may pull permits for the lateral work. Fountain Engineering and Pabon Engineering have expressed an interest in doing this work.
Little Venice and Expanded Wastewater System

System operation is slowly becoming status quo. Remaining customer connections to the system have
ground to a halt.

City of Layton

Construction on the wastewater collection system and WWTP is proceeding well.

Conch Key

Customer hook ups have continued slowly over the month.

Staff continues to coordinate with Hawk's Cay to finalize the acquisition of the Hawk's Cay
wastewater system.

Duck Key

Staff has followed up with Duck Key and the County to move forward with a gravity wastewater
collection system that was found to be the most cost effective from a construction and operations
standpoint in a recent study by CH2M Hill.

Bay Point

The customer connection process continued and system operation is stabilizing. Awaiting the final
performance test to complete the contract.

Big Coppitt

The notice to proceed with design was given on 3 November 2005 to Boyle Engineering. Design and
surveying have started.
<table>
<thead>
<tr>
<th>Project</th>
<th>Status</th>
<th>Schedule</th>
<th># EDUs</th>
<th>Cost per EDU</th>
<th>Contractor or Engineer</th>
<th>Comment</th>
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<tr>
<td>Little Venice and Expanded</td>
<td>Operations</td>
<td></td>
<td>700</td>
<td>$4,700</td>
<td></td>
<td>Operation as normal, customer connections have halted.</td>
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<tr>
<td>Conch Key</td>
<td>Customer Connections</td>
<td>September-05</td>
<td>160</td>
<td>$2,700</td>
<td>Higgins</td>
<td>Customer connections slowly continued and are being served by Hawk's Cay WWTP</td>
</tr>
<tr>
<td>Baypoint</td>
<td>Customer Connections and Operations</td>
<td>August-05</td>
<td>400</td>
<td>$2,700</td>
<td>Higgins</td>
<td>Customer connections continued; treatment improving</td>
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<tr>
<td>Big Coppitt</td>
<td>Design</td>
<td>November-05</td>
<td>1,500</td>
<td>--</td>
<td>Boyle</td>
<td>Started engineering design</td>
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<tr>
<td>Hawk's Cay WWTP Upgrade</td>
<td>Planning</td>
<td></td>
<td>650</td>
<td>--</td>
<td>FKAA</td>
<td>Negotiating with Conch Key contractor for design build of the WWTP upgrade. Coordination with Hawk's Cay.</td>
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<tr>
<td>Duck Key</td>
<td>Planning</td>
<td></td>
<td>350</td>
<td>--</td>
<td>CH2M Hill</td>
<td>Coordination with Duck Key, engineering review of collection systems completed</td>
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<tr>
<td>Layton</td>
<td>Construction</td>
<td>January-05</td>
<td>300</td>
<td>$3,400</td>
<td>Haskell</td>
<td>Construction ongoing</td>
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KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: December 21, 2005
Agenda Item No. 10

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

[] Other:

SUBJECT: New Administrative Assistant Position

RECOMMENDED MOTION/ACTION: Action

Approved by General Manager
Date: 12-16-05

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<tr>
<th>Originating Department: General Manager</th>
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<td>[ ] Finance</td>
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| [] Engineering      | [ ] Clerk |

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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: Interviews for the Administrative Assistant position have been completed. All of the top candidates exceed the salary envisioned by the Board.

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
TAB 11
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2005  Agenda Item No.11

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

[ ] Other:

SUBJECT: New Employment Contract for General Manager

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 12-16-05

| Originating Department: General Manager | Costs: $ |
| Funding Source: |  |
| Acct. # |  |

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

| 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: Mr. Fishburn’s employment contract expires May 31, 2006. It is timely to review Mr. Fishburn’s contract.

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

To:      KLWTD Board
From:    Charles F. Fishburn, General Manager
Date:    December 14, 2005
Re:      New Employment Agreement

I have been the General Manager of the District for the past 17 months and although my contract continues through May 31, 2006, I would like the Board to consider a new one-year contract effective February 1, 2006.

The new contract, I think, more reflects compensation for the job that I am doing for the District. When I was first hired my management skills had not been demonstrated to the Board.

During the last 17 months with directions from the Board and a top notch staff (including Legal Counsel and Weiler Engineering) we have:

1. Moved the District from behind all major wastewater projects in Monroe County leading the way with our projects.
2. Broken ground and nearing completion on the KLTV and KLP Projects
3. Identified, secured funding and SRF Loans for our next major project (North Components).
4. Obtained $20 million dollar grant from County for the North Components Project.
5. Initiated the final planning for the entire District.
6. Transferred the Financial and Clerk functions from outside consultants to our own in house staff.
7. Established in house District Engineering and Construction management capabilities.
8. Moved into new District offices.

After 17 months I think my performance is a know quantity by all Board Members. I would propose the attached contract for my services during the coming year. My present contract is attached for reference.
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

THIS Employment Contract is entered into as of the date first set forth below, by and between the Key Largo Wastewater Treatment District, an independent special district created by Chapter 2002-337, Laws of Florida (the "District"), and the Employee named below.

1. Employee Name and Address: Charles F. Fishburn
2. Employee Title: General Manager
3. Employee Compensation Rate: $106,000
4. Effective Date of this Employment Contract: February 1, 2006
5. Term of Employment Contract: One year
6. Date of first District Employment: June 1, 2004
7. General Provisions of Employment: See Attachment A
8. Employee Duties: See Attachment B.
9. Special Terms of Employment:
   a. District will contribute $500/month toward Employee's medical premiums as a direct payment to the medical plan.
   b. N/A
   c. N/A

IN WITNESS WHEREOF, the parties hereto have executed this Employment Contract as of the date first written above.

Key Largo Wastewater Treatment District

Employee

By ____________________________
Glenn Patton

Its Chairman

Attest:

By ____________________________
Andrew M. Tobin

Its: Secretary/Treasurer
ATTACHMENT A
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

GENERAL PROVISIONS FOR EXEMPT EMPLOYEES

THESE EMPLOYMENT CONTRACT GENERAL PROVISIONS FOR EXEMPT EMPLOYEES ("General Provisions") specify the general terms of employment between the Key Largo Wastewater Treatment District ("District") and the employee ("Employee") named in the District Employment Contract ("Employment Contract") to which these terms are attached. These General Provisions shall apply except to the extent they are modified or amended by the express provisions of the Employment Contract.

1. Employment.
   a. The District hereby employs Employee, and Employee hereby accepts employment with the District, on the terms set forth in the Employment Contract.
   b. The Employment Contract is an "at will" agreement.
   c. Either party may terminate the Employment Contract without cause upon 60 days' written notice to the other party.
   d. In addition, the District may terminate the Employment Contract for disability or cause pursuant to Section 8 hereof.
   e. Employee is a public official as that term is used in the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officials.
   f. During the term of the Employment Contract, Employee shall devote Employee's best efforts, knowledge, skill, and attention to the performance of Employee's duties as aforesaid, except during such periods as Employee shall be ill, disabled, or on vacation as provided by the Employment Contract.
   g. Employee shall not accept any other employment for compensation without the prior written consent of the District's General Manager, which consent may be withheld if the District's General Manager reasonably believes that such employment would negatively affect the quality of the Employee's services to the District.
h. This is a full-time, salaried position, and the position is exempt from the overtime compensation requirements of the Fair Labor Standards Act.

i. Employee shall keep all records that may be required to support any charge by the District against any grant or other funding for work performed by Employee.

2. Place of Employment. Employee shall be afforded an office and support services at the District offices located at 98880 Overseas Highway, Key Largo, Florida, and/or such other locations as may be specified in the Employment Contract.

3. Compensation.
   a. The compensation rate is stated in the Employment Contract.
   b. Employee’s wages shall be payable once each month on the last day, commencing on the last day of the first month in which Employee performs services to the District under the Employment Contract.
   c. Employee shall pay the employee’s share of any payroll taxes required under applicable law, by payroll deduction, and District shall bear and be responsible for the employer’s share of any taxes on wages paid as required under applicable law.

4. Vacation. Employee shall be entitled to one day of paid vacation for each month worked, and may begin to use such vacation after six months of paid employment. Employee shall schedule such vacation in consultation with the District General Manager to minimize the inconvenience and other impacts to the District.

5. Holidays. Employee is entitled to paid holidays. The following days are District 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.

6. Benefits. The Employee understands and agrees that the District has adopted a group medical plan and a 401(k) plan. The District does not contribute to these.
plans, and Employee's participation in these plans is solely at Employee's option. IT IS THE RESPONSIBILITY OF EMPLOYEE TO BECOME FAMILIAR WITH THE TERMS OF THESE PLANS AND TO DETERMINE WHETHER OR NOT TO PARTICIPATE IN THEM, OR ANY OF THEM, AS EMPLOYEE DEEMS APPROPRIATE. EMPLOYEE SHOULD NOTE THAT THESE PLANS MAY INCLUDE PROVISIONS THAT LIMIT THE TIMES AND CONDITIONS UNDER WHICH EMPLOYEE MAY ELECT TO PARTICIPATE IN THEM.

7. **Travel Expenses.** The District shall pay for or reimburse Employee in accordance with the District's standard policies for travel off the island of Key Largo for the purpose of carrying on District business.
   a. The District's standard policies for reimbursement of travel expenses are those set forth in Florida Statutes Section 112.061;
   b. However, the District reimbursement rate for the use of a private vehicle on District business is $0.40/mile.

8. **Termination for Disability or Cause.** The Employment Contract may be terminated by the District, acting through its General Manager, upon any of the following events:
   a. The expiration of 30 days following written notice given by the District General Manager to Employee of the District's election to terminate this Agreement following Employee's Disability. "Disability" means the inability of Employee to perform substantially all of the duties required of Employee by the Employment Contract by reason of physical or mental incapacity for a period of one month, or a period of more than 30 days in the aggregate in any 18 month period. "Disability" includes the death of Employee.
   b. A determination by the District General Manager that Cause exists to terminate the Employment Contract, and written notice of termination for Cause is given by the District General Manager to Employee. "Cause" means any of the following events or conditions:
      i. A material breach by Employee of any material provision of the Employment Contract.
ii. Any act by Employee in violation of the obligations imposed upon public officials under applicable law.

iii. Fraud or other dishonest act by Employee involving the District.

iv. Employee's conviction of a felony.

Such termination shall be effective upon the date specified in the written notice of termination, and may be effective immediately.

9. Notices. Any notice or other communication required or permitted to be given in connection with the Employment Contract shall be in writing and shall be deemed to have been duly given (a) when personally delivered, (b) on the business day following deposit of such notice with a reputable overnight courier service, or (c) sent by certified mail, return receipt requested, postage prepaid, as follows:

If to the District:

General Manager
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

With a copy to:

Thomas M. Dillon
PO Box 370736
Key Largo, Florida 33037-0736

If to Employee, at the address specified in the Employment Contract.

Either party may change such party's address for the purpose of this Section by written notice similarly given.

10. Severability. If any provision of the Employment Contract shall be held to be invalid or unenforceable, such provision shall be construed and enforced to the extent possible as if it had been more narrowly drawn so as not to be invalid or unenforceable, and such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of the Employment Contract. However, if either party determines in good faith that, as a result of a provision of the Employment Contract being held invalid or unenforceable, the Employment
Contract no longer serves the purposes for which it was written, that party may
terminate the Employment Contract.

11. **Entire Agreement.** The Employment Contract, including the documents
incorporated therein by reference sets forth the parties' final and entire
agreement, and supersedes any and all prior understandings, with respect to the
employment of Employee by the District.

12. **Assignment; Ratification of Agreement.** The Employment Contract is an
agreement for personal services, and the District has determined to hire
Employee on the basis of Employee's personal qualifications. The Employee
may not assign or delegate its rights or obligations under the Employment
Contract, and any purported assignment or delegation of any such right or
obligation without such consent shall be null and void.

13. **No Waiver.** No failure or delay by either party in exercising any right, option,
power, or privilege hereunder shall operate as a waiver thereof, nor shall any
single or partial exercise thereof preclude any other or further exercise thereof,
or the exercise of any other right, option, power, or privilege.

14. **Amendment.** The Employment Contract can only be amended, waived or
terminated by a writing signed by both the District and Employee.

15. **Applicable Law.** The Employment Contract shall be governed by and construed
and interpreted in accordance with the internal law of the State of Florida, without
reference to its rules as to conflicts of law.

16. **Headings.** The section headings in the Employment Contract are for reference
purposes only and shall not affect in any way the meaning or interpretation of the
Employment Contract.
ATTACHMENT B
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT
DISTRICT GENERAL MANAGER DUTIES

ESSENTIAL FUNCTIONS The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

A. Executing Board's direction in identifying, selecting and contracting with rate consultants, auditors, insurance consultants, lab service contractors, consulting engineers, hydro-geologies, and other consultants and professionals required by the District.

B. Acting as custodian of the District's books and records in accordance with Florida Statutes Section 189.9.

C. As directed by the District Board, serving as intergovernmental liaison between the District and local governments within which the District provides wastewater service, including, without limitation, coordination of service extensions with applicable comprehensive plans, communicating with public officials on all matters that pertain to the District, attending governing board and staff meetings to discuss District issues.

D. Providing the Board, or individual members thereof, upon request, with data or information concerning District construction and operations, and providing advice and recommendations to the Board.

E. Coordinating with District's Chief Financial Officer, Engineer, and Counsel, staff, and supervising other District staff.

F. Negotiating leases, contracts, and other agreements, including consultant services, for the District, subject to Board approval.

G. Overseeing all governmental filings.

H. Monitoring the performance of all terms and conditions in all leases, contracts, and agreements, and notifying the Board of known violations thereof.

I. Monitoring the operations and billing functions of the District and ensuring compliance with the Board's policy and direction.

J. Preparing annual reports.

K. Consulting with, and supervision of, contractors as reasonably required and necessary with regard to construction of capital projects.

L. In consultation with the District Engineer and District Counsel, as appropriate, issuing interpretations and clarifications of contract documents.

   a. Evaluating requests for substitutions or deviations therefrom.
b. Providing recommendations concerning requests for substitutions or deviations therefrom.

c. Preparing work orders.

d. Monitoring all required project records.

e. Reviewing applications for payment.

f. Conducting comprehensive inspections of construction projects.

g. Developing list of items needing completion or correction.

O. Negotiating contracts with engineers and other consultants regarding scope and cost of proposed contract change orders.

P. Providing proof of compliance with funding and grant requirements.

Q. Requesting advances and reimbursements consistent with funding and grant requirements.

R. Exercising due diligence with respect to construction management efforts consistent with governmental standards.
GENERAL MANAGER EMPLOYMENT AGREEMENT

THIS GENERAL MANAGER EMPLOYMENT AGREEMENT ("Agreement") is entered into as of June 1, 2004 between the Key Largo Wastewater Treatment District, an independent special district created by Chapter 2002-337, Laws of Florida (the "District"), and Charles F. Fishburn ("General Manager").

1. Employment.
   a. The District hereby employs General Manager, and General Manager hereby accepts employment with the District, on the terms set forth in this Agreement. This Agreement is an "at will" agreement. Either party may terminate this Agreement without cause upon 90 days' written notice to the other party. In addition, the District may terminate this Agreement for disability or cause pursuant to Section 8 hereof. Unless sooner terminated, this Agreement shall terminate on May 31, 2006.
   b. General Manager shall serve as the District's General Manager. General Manager shall provide senior management services and shall perform such duties relating thereto as may be determined and assigned to General Manager from time to time by the District's Board of Directors, to whom General Manager shall report. Exhibit A to this Agreement sets out the minimum duties of the General Manager.
   c. General Manager shall keep all records that may be required to support any charge by the District against any grant or other funding for work performed by General Manager.
   d. General Manager is a public official as that term is used in the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officials.
   e. During the term of this Agreement, General Manager shall devote his best efforts, knowledge and skill and shall devote substantially all of his working time and attention to the performance of his duties as aforesaid, except during such periods as General Manager shall be ill, disabled, or on vacation as provided by this Agreement.
2. **Place of Employment.** General Manager shall be afforded an office and support services.

3. **Compensation.**
   a. The Compensation rate for the General Manager is $92,000 per annum.
   b. General Manager's salary shall be payable once each month on the last day, commencing on June 30, 2004, in the amount of $7,667. For any month in which General Manager serves less than a full month, the salary will be prorated based on the time actually served.
   c. General Manager shall pay the employee's share of any payroll taxes required under applicable law, by payroll deduction, and District shall bear and be responsible for the employer's share of any taxes on wages paid as required under applicable law.

4. **Vacation.** General Manager shall be entitled to 12 days of paid vacation during each calendar year. General Manager shall schedule such vacation to minimize the inconvenience and other impacts to the District.

5. **Holidays.** General Manager is entitled to 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.

6. **Benefits.** The General Manager understands and agrees that the District has not adopted any employee benefit plans, and that the General Manager shall be responsible for obtaining and providing his own health insurance and other benefits as he deems appropriate.

7. **Travel Expenses.** The District shall pay for or reimburse General Manager in accordance with the District's standard policies for travel off the island of Key Largo for the purpose of carrying on District business. The District's standard
policies for reimbursement of travel expenses are those set forth in Florida Statutes Section 112.061.

8. **Termination for Disability or Cause.** This Agreement may be terminated by the District, acting through its Board of Directors, only upon any of the following events:
   
a. The expiration of 30 days following written notice given by the Board of Directors of the District to General Manager of the District's election to terminate this Agreement following General Manager's Disability. "Disability" means the inability of General Manager to perform substantially all of the duties required of General Manager by this Agreement by reason of physical or mental incapacity for a period of two consecutive months, or a period of more than 90 days in the aggregate in any 18 month period.
   
b. A determination by the District's Board of Directors that Cause exists to terminate this Agreement, and written notice of termination for Cause is given by the Board of Directors of the District to General Manager. "Cause" means any of the following events or conditions:
      
i. A material breach by General Manager of any material provision of this Agreement.
   
   ii. Any act by General Manager in violation of the obligations imposed upon public officials under applicable law.
   
   iii. Fraud or other dishonest act by General Manager involving the District.
   
   iv. General Manager's conviction of a felony.

Provided that in the case of the foregoing clauses (i) and (ii), "Cause" shall exist only if General Manager fails to cure such breach, within 30 days of receipt of written notice thereof, to the satisfaction of the District's Board of Directors.

b. The death of General Manager.

9. **Notices.** Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed to have been duly given (a) when personally delivered, (b) on the business day following deposit of such
notice with a reputable overnight courier service, or (c) sent by certified mail, return receipt requested, postage prepaid, as follows:

If to the District:
Chairman, Board of Directors
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, Florida 33037

With a copy to:
Thomas M. Dillon
94220 Overseas Highway, #2B
Tavernier, Florida 33070-3005

If to General Manager:
Charles F. Fishburn
161 Dubonnet Road
Tavernier, Florida 33070

Either party may change such party's address for the purpose of this Section by written notice similarly given.

10. **Severability.** If any provision of this Agreement shall be held to be invalid or unenforceable, such provision shall be construed and enforced to the extent possible as if it had been more narrowly drawn so as not to be invalid or unenforceable, and such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of this Agreement. However, if either party determines in good faith that, as a result of a provision of this agreement being held invalid or unenforceable, this Agreement no longer serves the purposes for which it was written, that party may terminate this agreement upon not less than sixty days' written notice.

11. **Entire Agreement.** This Agreement sets forth the parties' final and entire agreement, and supersedes any and all prior understandings, with respect to the subject matter hereof.

12. **Assignment; Ratification of Agreement.** No right or obligation under this Agreement may be assigned or delegated by either the District or General Manager without the prior written consent of the other party, and any purported

General Manager Employment Agreement  Page 4 of 7
assignment or delegation of any such right or obligation without such consent shall be null and void.

13. **No Waiver.** No failure or delay by either party in exercising any right, option, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof, or the exercise of any other right, option, power or privilege.

14. **Amendment.** This Agreement can only be amended, waived or terminated by a writing signed by both the District and General Manager.

15. **Applicable Law.** This Agreement shall be governed by and construed and interpreted in accordance with the internal law of the State of Florida, without reference to its rules as to conflicts of law.

16. **Headings.** The section headings in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

Key Largo Wastewater Treatment District

By

Gary Bauman

Its

Chairman

General Manager

Charles F. Fishburn

Attest

By

Cris Beaty

Its

Secretary

General Manager Employment Agreement

Draft 040817
Exhibit A
Minimum Duties for General Manager

A. Executing Board’s direction in identifying, selecting and contracting with rate consultants, auditors, insurance consultants, lab service contractors, consulting engineers, hydro-geologies, and other consultants and professionals required by the District.

B. Acting as custodian of the District’s books and records, which shall be maintained in accordance with Florida Statutes Section 189.9.

C. As directed by the District Board, serving as intergovernmental liaison between the District and local governments within which the District provides wastewater service, including, without limitation, coordination of service extensions with applicable comprehensive plans, communicating with public officials on all matters that pertain to the District, attending governing board and staff meetings to discuss District issues.

D. Preparing an annual consumer confidence report as required by law.

E. Overseeing two customer mailings each year to all District customers regarding Board initiatives.

F. Providing the Board, or individual members thereof, upon request, with data or information concerning District construction and operations, and providing advice and recommendations to the Board.

G. Coordinating with District’s Chief Financial Officer, Engineer, and Counsel, staff, and supervising other District staff.

H. Negotiating leases, contracts, and other agreements, including consultant services, for the District, subject to Board approval.

I. Overseeing all governmental filings.

J. Monitoring the performance of all terms and conditions in all leases, contracts, and agreements, and notifying the Board of known violations thereof.

K. Monitoring the operations and billing functions of the District and ensuring compliance with the Board’s policy and direction.

L. Preparing annual reports.

M. Consulting with, and supervision of, contractors as reasonably required and necessary with regard to construction of capital projects.

N. In consultation with the District Engineer and District Counsel, as appropriate, issuing interpretations and clarifications of contract documents.
   a. Evaluating requests for substitutions or deviations therefrom.
b. Providing recommendations concerning requests for substitutions or deviations therefrom.

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g. Developing list of items needing completion or correction.

O. Negotiating contracts with engineers and other consultants regarding scope and cost of proposed contract change orders.

P. Providing proof of compliance with funding and grant requirements.

Q. Requesting advances and reimbursements consistent with funding and grant requirements.

R. Exercising due diligence with respect to construction management efforts consistent with governmental standards.
THE ATTACHED SHOULD BE ADDED TO YOUR BOOK UNDER L-10-
Minimum Duties for Administrative Assistant

A. Develops, manages, and maintains a computerized recordkeeping system of system development fees assessed and non ad valorem assessments levied by the District.

B. Performs the functions of the Assessment Coordinator, as identified in District non-ad valorem assessment resolutions:
   1. Reviews water consumption records and prepares draft and final non-ad valorem assessment rolls to be submitted to the Monroe County Tax Collector.
   2. Reviews appeals of assessments, investigates facts, and, in consultation with District staff, prepares recommendations for Board review and approval.

C. Performs day-to-day accounting functions assigned by the Finance Officer, including bill processing, bill payment, and bank deposit duties.

D. Oversees the process of billing District customers for monthly service.

E. Performs special projects assigned by the General Manager.

F. Executes special customer service duties and projects assigned by the District Clerk.

G. Assists the District Engineer in developing special tax parcel information from on-line sources.

H. Maintains the office computer network, oversees and monitors backup systems, and troubleshoots system operating problems.
Carol Simpkins

From: Thomas M Dillon [lawtmd@bellsouth.net]
Sent: Wednesday, December 28, 2005 7:35 AM
To: 'Andrew Tobin'; 'Carol Walker'; 'Charles Brooks (E-mail)'; 'Chuck Fishburn'; 'Claude Bullock'; 'Gary Bauman (E-mail)'; 'Glenn Patton'; EdRCastle@aol.com; 'Jeff Weiler'; 'Margaret Blank'; 'Martin Waits'; weiler7@earthlink.com

Subject: FW: Today's teleconference

I am forwarding the email in which Dr. Straw of FEMA and USFWS agreed to the procedure for approval of additional clearing at the MM 100.5 site.

Tom

Thomas M. Dillon

Attorney at Law
PO Box 370736
Key Largo, FL 33037-0736
305-240-1767
Fax 305-853-2693

From: Thomas Dillon [mailto:thomasdillon@terranova.net]
Sent: Friday, May 28, 2004 8:45 AM
To: BOCCDISS@MONROECOUNTY-FL.COM; George Garrett; Robert Sheets; EdRCastle@aol.com; David Miles; Charles Sweat; Charles Fishburn; Jeff Weiler; weiler7@comcast.net; Jerry Wilkinson; Gary Bauman (E-mail); Faith Doyle; Cris Beatty (E-mail); Charles Brooks (E-mail); Andrew Tobin

Subject: Fw: Today's teleconference

This is Dr. Straw’s confirmation that my summary of the teleconference yesterday accurately reflects the understanding of the parties.

Tom

----- Original Message ----- 
From: Straw, William
To: 'Thomas Dillon'
Cc: Miles.Anderson@DCA.State.FL.US ; Allen Webb ; Winston_Hobgood@FWS.gov ; Vigo, Gabriela ; Beck.
Charlies
Sent: Friday, May 28, 2004 6:31 AM

Subject: RE: Today's teleconference

Tom: Thank you very much for your participation yesterday, and for your follow-through message/summary. From what I see here, we apparently have similar general understanding of the key applicable environmental points that we discussed in yesterday’s conference call. My minor revisions are below, in your original message, in **bold blue font**. The other DHS/FEMA participants were Todd Davison (R4 FIM Division Director) and Gabriela Vigo (R4 Project Officer for Florida).

Gabriela may provide additional comments regarding the applicable key program points.

Thank you again for your message. Best regards, Wm. (Wll)

-----Original Message-----
From: Thomas Dillon [mailto:thomasdillon@terranova.net]
Sent: Thursday, May 27, 2004 3:08 PM
To: Allen Webb; Beck, Charles; Miles.Anderson@DCA.State.FL.US; Straw, William; Winston_Hobgood@FWS.gov
Subject: Today's teleconference

This is my summary of today's discussion. Please advise if I have misunderstood or misrepresented your positions.

Tom

This afternoon, we held a teleconference with FEMA, DCA, USFWS, Monroe County (Garrett) and District staff concerning the DCA agreement.

Here is a list of participants as compiled by Shari Hill of GSG:
Robert Sheets - GSG
[ws] Todd Davison - DHS/FEMA R4
Dr. William Straw - DHS/FEMA R4
Charles Beck - DHS/FEMA R4
Brett Bowen - DHS/FEMA R4
Allen Webb - FWS
Winston Hobgood - FWS
Miles Anderson - DCA
George Garrett - County
Ed Castle - Haskell
Thomas Dillon - Atty for the District (KLWTD)

Following are the items discussed and their outcomes.

Permitting:

I have been concerned about the open-ended provision in the DCA agreement to the effect that the District must get permits that demonstrate compliance with the SFONS1. Miles Anderson confirmed that the provision refers only to permits typically necessary to build the project and that there are no hidden permit requirements.

Land Transfer: The District [ws] could transfer to the County, rather than a State or Federal agency.

[ws] Dr. Straw said that the District is required to transfer full title, not just a conservation easement, to the 18.4 acre open space. However, he and USFWS agreed that it was likely that the transfer could be made to the County, although they would prefer the transfer to be to a state or federal agency.

Future expansion: The door is open to future expansion of the treatment site, but the mitigation measures will be more stringent than those required for the first 2.6 acres.

FEMA will have no further interest in the environmental issues once the funds are transferred and the project is built. The conveyance of land to the County will have to include a covenant that USFWS be involved in any conveyance back to the District for expansion.

Note that the USFWS biological opinion requires that the District "restore" 2.6 acres of habitat. Mr. Webb said that the USFWS would probably require that any expansion would require the District to acquire additional habitat and that a multiplier of 2 or 3 to 1 should be expected. In other words, if the District wants an additional 0.5 acre added to the treatment site, we can expect that USFWS will require the District to acquire and convey to the County 1 or 1.5 acres of restored land. The land restored will likely have to be contiguous with other hardwood hammock habitat.

Funding Cutoff: time's a-wastin'

The funding cutoff for FEMA funds requires that the project be complete by September 2005. I advised FEMA
that I thought part of the delay was due to FEMA being slow to finish the EA, and FEMA said that the EA was slow because the design was slow. I dropped the subject as not likely to lead to a productive conclusion.

I said that if the position was that no extension would ever be granted, the Board should know that before it approves the grant agreement. FEMA said that it was aware of the progress of projects in the Keys, and that there is a possibility of extension.

I explained that the current schedule from Haskell shows substantial completion on September 15, 2005, and that assumes that Haskell can break ground in August 2004. I said the District will probably need an extension. FEMA said that it would not approve an extension until the District demonstrated progress and a need for more time.
THE ATTACHED SHOULD BE ADDED TO YOUR BOOK UNDER L-10-
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F. Executes special customer service duties and projects assigned by the District Clerk.

G. Assists the District Engineer in developing special tax parcel information from on-line sources.

H. Maintains the office computer network, oversees and monitors backup systems, and troubleshoots system operating problems.
Lateral sewer line permits cost $500

BY STEVE GIBBS
Free Press Staff

KEY LARGO — Key Largo Trailer Village residents are wondering why permits to install lateral lines on their properties cost $500 when the county only charges $52 and the Monroe County Health Department charges $40.

Trailer Village is the first neighborhood to connect to the state-mandated advanced wastewater treatment plant being built at mile marker 101.

In addition to permits, residents must pay a connection cost of $4,770, a minimum monthly maintenance fee of at least $33 and an estimated $3,000 to $6,000 to decommision septic systems and lay lateral lines from their homes to the street.

Joyce Knaepen of Paul's Permits in Tavernier said the high cost of lateral line permits is due to the six-week process of getting a permit from the Monroe County Building Department.

The process is cheaper and quicker in Islamorada, Knaepen said.

"It takes no more than two days in the village for a permit. They have streamlined the process," she said. "The total cost with the village is $79."

Knaepen said the procedure in Key Largo is more complicated.

"There are photographs of the property, nine documents to fill out and a lot of running back and forth between departments and the homeowner's site," she said.

Here is the process:

- Obtain a letter from the independent Key Largo Wastewater Treatment District that says it's OK to proceed with hookup and abandonment permits;
- Obtain a signed and Notarized building application from the homeowner with the contractor's signature;
- Obtain a Notarized notice of commencement that, along with a $10 fee, is filed with the Clerk of the Court describing the construction that will take place. One copy of the notice must be posted at the job site;
- A signed, notarized affidavit must be taken to the Monroe County Health Department showing that the homeowner has chosen an agent;
- The signed affidavit must be delivered to the Monroe County Building Department showing that a contractor has been hired;
- A two-part application for an abandonment permit for the Monroe County Health Department must be accompanied by a check for $40.
- A site plan is then required to locate the septic tank, where the line will connect to the house as well as where it will be connected at the street;
- The house, the property and distances between house and streets also must be surveyed.

"Those papers are dropped off at the Health Department in Tavernier with their check," Knaepen said. "In two weeks the homeowner receives back his permit for the abandonment of his old septic tank."

"Then the Health Department sends out someone to inspect, making sure everything has been done properly."

"Then the applicant has to fill out a one-page application, giving the real estate number, showing the square-footage of the property and the projected cost of the job. In addition, two site plans must be submitted along with photos of the home."

"The county wants to see how much vegetation has to be removed," Knaepen said. "They want to see if an additional permit is needed for tree removal."

Key Largo Wastewater Board member Gary Bauman said he would like the county fees to be waived.

County Administrator Tom Willi, however, said the county will not do that.

"Why would we entertain a measure that would waive fees and has to be collected in the form of taxes from the rest of the county?" he asked. "I'd deny such a request."

But Key Largo Wastewater Board member Andy Tobin said costs can be reduced.

"This is a convoluted process at best," he said. "The contractors, not set up [for the long permitting process], hire permit runners and the cost goes up. I have asked the manager [Chuck Fleshburn] to talk with Willi about entering into a Memorandum of Understanding that the wastewater board does all the permitting."

"My intent is to have one-stop shopping. It's on the front burner."