A. CALL TO ORDER - PLEASE MUTE CELL PHONES

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

E. PUBLIC COMMENT
   Individual comments have a 3 minute limit; Organizations have a 5 minute limit.
   General comment (non-agenda items) will be heard at this time; Specific agenda items will be heard right before the item.

F. FINANCIAL REPORT
   1. Pending Payments for Dec. 21, 2010
   2. PRMG Contract
G. GENERAL MANAGER’S REPORT

H. COMMISSIONER’S ITEMS

3. Review of Decision Making Process in Selection of CFO (Commissioner Hammaker)
4. Reconsideration of the Board Vote on CFO (Commissioner Higgins) Action
5. Customer Service (Commissioner Higgins)
6. Grant Advertisement (Commissioner Higgins)
7. CDBG (Commissioner Higgins) (5 PM)
8. Employee Salaries Action
9. Ad on Contractors Retainage (Commissioner Tobin)
10. Very Low Income Assistance (Commissioner Tobin) Action

I. BULK ITEMS Action

12. RESOLUTION NO. 27-12-10
   A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2009 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

J. ENGINEER’S REPORT

13. Status Report

K. LEGAL COUNSEL REPORT

14. CFO Contract Action
15. Assumption of Collection System Maintenance Responsibilities in Calusa Action
   RESOLUTION NUMBER 25-12-10
   A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REGARDING MAINTENANCE OF THE COLLECTION SYSTEM AT CALUSA CAMPGROUND; AND PROVIDING AN EFFECTIVE DATE.
16. Deferral of Connection Requirements for Low Income Residents Action
   RESOLUTION NUMBER 26-12-10
   A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT PROVIDING FOR TEMPORARY DEFERRAL OF CONNECTION REQUIREMENTS AND CREDITS FOR WASTEWATER FEES COLLECTED FROM LOW-INCOME RESIDENTS; AND PROVIDING AN EFFECTIVE DATE.

L. COMMISSIONERS ROUNDTABLE

M. ADJOURNMENT
TAB 1
Meeting Date: Dec. 21, 2010

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

SUBJECT: Pending Payments Schedule

RECOMMENDED MOTION/ACTION: Approve Pending Payments schedule contingent upon availability of funds.

Approved by General Manager [Signature] Date: 12-17-10

Originating Department: Finance

Costs:  
Funding Source:
Acct. #

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

[ ] Engineering
[ ] Clerk

Attachments: Pending Payments Schedule

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

Yes I have notified everyone______________
of 
Not applicable in this case______________:
Please initial one.

Summary Explanation/Background:

Pending Payments schedule for Board review and approval contingent upon availability of funds.

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

**Payments Pending 12/21/2010**

Prepared by: Connie Fazio  Date: 12/16/2010

---

## CONSOLIDATED CASH BALANCE FORWARD

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration &amp; Operations</td>
<td></td>
</tr>
<tr>
<td>Cash Balance A&amp;O Account Forward</td>
<td>$(489,643.53)</td>
</tr>
<tr>
<td>Plus: Miscellaneous Service Charges</td>
<td>$9,534.81</td>
</tr>
<tr>
<td>Wastewater Service Revenue</td>
<td>$108,845.81</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$118,380.62</td>
</tr>
<tr>
<td>Less: Administration</td>
<td></td>
</tr>
<tr>
<td>Mountain Glacier Water: Bottled Water - District Office</td>
<td>$16.17</td>
</tr>
<tr>
<td>Postmaster: Annual Fee - PO Box</td>
<td>$56.00</td>
</tr>
<tr>
<td>Laurie Bossie: Reimbursement for Automobile Alignment Damage</td>
<td>$100.00</td>
</tr>
<tr>
<td>Toshiba Business Solutions - Color Copy Fee</td>
<td>$168.13</td>
</tr>
<tr>
<td>The Reporter: Legal Advertisements</td>
<td>$479.25</td>
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<tr>
<td>Toshiba Financial Solutions - Copier Usage Fees</td>
<td>$679.64</td>
</tr>
<tr>
<td>Cooke Communications: Legal Advertisements</td>
<td>$789.75</td>
</tr>
<tr>
<td>Key Breeze Engraving: Bronze Plaque for Plant</td>
<td>$1,274.00</td>
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<tr>
<td>UPS Store: Courtesy Letters</td>
<td>$1,832.41</td>
</tr>
<tr>
<td>Grau &amp; Associates: Audit for FY2010</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Cynergy Consulting: Gov't Consulting Services: December 2010</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Hicks-Richardson Associates: Lobbyists - Nov. 2010</td>
<td>$3,380.00</td>
</tr>
<tr>
<td>Less: Shared Expenses</td>
<td></td>
</tr>
<tr>
<td>Federal Express: Shipping</td>
<td>$47.06</td>
</tr>
<tr>
<td>Keys Sanitary Service: Trash Service</td>
<td>$613.32</td>
</tr>
<tr>
<td>TerraNova Net: Internet Service</td>
<td>$956.00</td>
</tr>
<tr>
<td>Office Depot: Supplies</td>
<td>$1,299.13</td>
</tr>
<tr>
<td>Paychex Administrative Fees</td>
<td>$3,524.00</td>
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<tr>
<td>Group Health Fees</td>
<td>$7,196.16</td>
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<tr>
<td>Staff Salaries Including benefits</td>
<td>$74,888.07</td>
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<tr>
<td>Less: Operations</td>
<td></td>
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<tr>
<td>Florida Keys Spring Water</td>
<td>$14.18</td>
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<tr>
<td>FKAA: Vac Station A</td>
<td>$15.09</td>
</tr>
<tr>
<td>Bryant Answering Service</td>
<td>$83.00</td>
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<tr>
<td>Unifirst: Employee Clothing</td>
<td>$286.84</td>
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<tr>
<td>Sunshine State One Call of Florida</td>
<td>$322.40</td>
</tr>
<tr>
<td>Keys Supply of Key Largo: Supplies</td>
<td>$350.47</td>
</tr>
<tr>
<td>Napa Auto Parts: Supplies</td>
<td>$351.24</td>
</tr>
<tr>
<td>Sanders Laboratories, Inc: Lab Testing</td>
<td>$536.00</td>
</tr>
<tr>
<td>Richard Sante: Maintenance at Plant</td>
<td>$600.00</td>
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<tr>
<td>KLI True Value: Supplies</td>
<td>$921.45</td>
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<tr>
<td>Shell Fleet: Fuel/Gas</td>
<td>$1,405.86</td>
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<tr>
<td>FKEC: Vac Station A</td>
<td>$2,262.28</td>
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<tr>
<td>Dumont Company: Chemicals</td>
<td>$3,052.50</td>
</tr>
<tr>
<td>DT Tanks: Pope Installation at Vac A &amp; D</td>
<td>$4,052.00</td>
</tr>
<tr>
<td><strong>Sub-total Invoices</strong></td>
<td>$116,550.40</td>
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<tr>
<td><strong>Cash Balance A&amp;O Account If All Paid</strong></td>
<td>$(487,813.31)</td>
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</tbody>
</table>

## South Components

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Balance KLSC Account Forward</td>
<td>$(8,615,165.51)</td>
</tr>
<tr>
<td>Plus: MC $20M Request #22</td>
<td>$302,987.39</td>
</tr>
<tr>
<td><strong>Sub-total Receipts</strong></td>
<td>$302,987.39</td>
</tr>
<tr>
<td>Less:</td>
<td></td>
</tr>
<tr>
<td>Keys Sanitary Service: Trash Service</td>
<td>$40.92</td>
</tr>
<tr>
<td>Keys Supply of Key Largo: Supplies</td>
<td>$55.60</td>
</tr>
<tr>
<td>Mark Weis: Expense Report: Mileage Reimbursement</td>
<td>$93.55</td>
</tr>
<tr>
<td>Ryan Dempsey: Expense Report: Mileage Reimbursement</td>
<td>$101.50</td>
</tr>
<tr>
<td>Comcast: Internet Service: Vac Station I Office</td>
<td>$114.90</td>
</tr>
<tr>
<td>TerraNova Net: Internet Service</td>
<td>$200.00</td>
</tr>
<tr>
<td>Tim Bricker: Expense Report: Mileage Reimbursement</td>
<td>$308.00</td>
</tr>
<tr>
<td>Eckler Engineering: Construction Services: Basins E &amp; F</td>
<td>$465.00</td>
</tr>
<tr>
<td>Mike Dempsey: Expense Report: Mileage Reimbursement</td>
<td>$465.50</td>
</tr>
<tr>
<td>Ted Beilhey: Expense Report: Mileage Reimbursement</td>
<td>$531.50</td>
</tr>
<tr>
<td>Chuck Grubb: Expense Report: Mileage Reimbursement</td>
<td>$836.50</td>
</tr>
</tbody>
</table>

---
Richard Sante: Property Maintenance - Vac Station I foliage cutback $ 950.00
HD Supply Waterworks Inc: Supplies $ 1,731.59
Amazing Machinery: Inspection Kits for GPS Lateral Inspections $ 1,798.00
Airvac: Vac Station Parts $ 1,878.59
Metro Equipment: Construction: Basin G $ 41,900.70
Redland Company: Construction Services: Basins E & F $ 49,815.90
Staff Salaries Including benefits $ 58,146.56
J. A. LaRocco: Construction Services: Basin I Phase 1 $ 206,534.75
Airvac: Vac Station F Equipment $ 233,100.00
Fountain Engineering: Basins G & I $ 244,598.50
Jacobs Air Water System: Odor Control Systems: Vac G, I & K $ 251,100.00
Metro Equipment: Construction: STM $ 256,172.76

Sub-total Invoices $ 1,350,938.32

Cash Balance KLSC If All Paid $ (9,663,116.44)

North Components
Cash Balance KLNC Account Forward $ (649,236.94)

Plus: MC $20M Request #22 $ 334,795.24
Reimbursement Aqua Waste $ 3,900.00

Sub-total Receipts $ 338,695.24

Less:
Mark Weis: Expense Report: Mileage Reimbursement $ 37.50
TigerDirect: Computer Equipment $ 1,293.29
Weller Engineering: Engineering and Design $ 4,503.75
Staff Salaries Including benefits $ 19,527.20
WesTech Engineering, Inc: Plant Equipment $ 30,947.00
Wharton Smith: Application #23 $ 677,345.57

Sub-total Invoices $ 733,654.31

Cash Balance KLNC Account If All Paid $ (1,044,196.01)

CONSOLIDATED CASH BALANCE IF ALL PAID $ (11,195,125.76)

NOTE: A TOTAL OF $1,394,347 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING

Approved for payment:

Robert Majeska, Chair ________________________ Susan Hammaker Secretary/Treasurer ________________________
Meeting Date: Dec. 21, 2010

[ ] PUBLIC HEARING

[ ] DISCUSSION

[X] GENERAL APPROVAL OF ITEM

[ ] Other:

SUBJECT: PRMG Contract

RECOMMENDED MOTION/ACTION: 

Approved by General Manager 
Date: 12-15-10

Originating Department: General Manager
Costs: $15,000
Funding Source: Acct.

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

[] Engineering 
[] Clerk 

Attachments: Contract

Advertised:
Date: 
Paper: 
[X] Not Required

Summary Explanation/Background: PRMG has completed their previous contract with the KLWTD and proposes the attached contract for General Financial and Utility Rate Consulting services. The attached contract has been reviewed and approved by District Counsel.

Resulting Board Action:

☐ Approved 
☐ Tabled 
☐ Disapproved 
☐ Recommendation Revised
November 11, 2010

Mr. Charles Fishburn
General Manager
Key Largo Wastewater Treatment District
98880 Overseas Highway
Key Largo, FL 33037

Subject: Agreement for General Professional Consulting Services

Dear Mr. Fishburn:

Public Resources Management Group, Inc. (PRMG) is pleased to submit this agreement (the "Agreement") to the Key Largo Wastewater Treatment District (the "District" or "Client") for general financial and utility rate consulting services. Based on discussions with District staff, the services to be provided by PRMG include continuing assistance with development of the interlocal wastewater treatment service agreement and other general tasks that may be requested by the District on occasion.

PROJECT TEAM AND BILLING RATES

With respect to the performance of this engagement, Tony Hairston will be the project manager and primary contact with the District. Other analysts and administrative personnel will be utilized during the course of the engagement as needed. Attachment A, which is made a part of this Agreement, summarizes the direct labor hourly billing rates by project team title that may be used relative to this engagement.

SCOPE OF SERVICES

The scope of services to be performed by PRMG relative to this Agreement is included herein as Attachment B, which is made a part of this Agreement.

COMPENSATION AND BILLING

Based on the Scope of Services as summarized herein in Attachment B and the direct hourly labor billing rates as shown on Attachment A herein, we propose a not-to-exceed budget of $15,000 for the project. The billings for the services provided pursuant to this Agreement and in accordance with the project budget will include the direct cost of personnel anticipated to be assigned to the project as well as any other direct costs such as telephone, and copying, printing, and shipping charges, but exclude direct travel costs. The costs incurred by PRMG for such direct costs, if any, will be billed to the District based on the reimbursement schedule as reflected in Attachment A. Direct travel costs will be reimbursable based on actual cost.
It is proposed that PRMG will bill monthly for services relative to this Agreement based on the hourly amount of time spent by the project team members, the other direct costs incurred and the pass-through of any sub-consulting costs that may be required for the engagement.

TERMS AND CONDITIONS
Standard terms and conditions, that are made part of this Agreement, are set forth in Attachment C.

We are providing two copies of this Agreement for your approval. If this Agreement is acceptable to you, please execute both copies and return one to us. The other copy is for your records. We appreciate the opportunity to continue providing utility rate consulting services to the Key Largo Wastewater Treatment District.

Very truly yours,

Public Resources Management Group, Inc.

Henry L. Thomas
Vice President

ACCEPTED BY:

Key Largo Wastewater Treatment District

Name

Title

Date

Attachments
ATTACHMENT A

KEY LARGO WASTEWATER TREATMENT DISTRICT
GENERAL PROFESSIONAL CONSULTING SERVICES

SCHEDULE OF DIRECT LABOR HOURLY RATES AND STANDARD COSTS

DIRECT HOURLY RATES

<table>
<thead>
<tr>
<th>Project Team Title</th>
<th>Hourly Rates [∗]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$170.00</td>
</tr>
<tr>
<td>Associate</td>
<td>$125.00</td>
</tr>
<tr>
<td>Managing Consultant</td>
<td>$115.00</td>
</tr>
<tr>
<td>Supervising Consultant</td>
<td>$110.00</td>
</tr>
<tr>
<td>Senior Consultant</td>
<td>$105.00</td>
</tr>
<tr>
<td>Rate Consultant</td>
<td>$ 95.00</td>
</tr>
<tr>
<td>Consultant</td>
<td>$ 85.00</td>
</tr>
<tr>
<td>Senior Rate Analyst</td>
<td>$ 75.00</td>
</tr>
<tr>
<td>Rate Analyst</td>
<td>$ 65.00</td>
</tr>
<tr>
<td>Analyst</td>
<td>$ 55.00</td>
</tr>
<tr>
<td>Assistant Analyst</td>
<td>$ 45.00</td>
</tr>
<tr>
<td>Administrative</td>
<td>$ 48.00</td>
</tr>
</tbody>
</table>

[*] Direct labor hourly rates effective twelve months after the date of execution of the Agreement; rates will be adjusted by not more than the net percentage change in the Consumer Price Index – Urban Consumers per annum (rounded to the nearest dollar) or as mutually agreed between parties for invoices rendered after each anniversary date of each year thereafter until project completion or termination of the Agreement between the parties. Full hourly rates apply during normal working hours when travel required as part of the project.

STANDARD COST RATES

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>Standard Rates [∗]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage Allowance – Personal Car Use Only</td>
<td>$0.485 per mile</td>
</tr>
<tr>
<td>Reproduction (black and white) (in house)</td>
<td>$0.05 per page</td>
</tr>
<tr>
<td>Reproduction (color) (in house)</td>
<td>$0.25 per page</td>
</tr>
<tr>
<td>Reproduction (contracted)</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Computer Time</td>
<td>$0.00 per hour</td>
</tr>
<tr>
<td>Telephone Charges</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Delivery Charges</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Lodging/Other Travel Costs</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Meals</td>
<td>Not to exceed per PRMG Employee:</td>
</tr>
<tr>
<td></td>
<td>$8.00 – Breakfast</td>
</tr>
<tr>
<td></td>
<td>$12.00 – Lunch</td>
</tr>
<tr>
<td></td>
<td>$25.00 – Dinner</td>
</tr>
<tr>
<td>Subconsultant Services</td>
<td>Actual Cost plus 5.0%</td>
</tr>
<tr>
<td>Other Costs for Services Rendered</td>
<td>Actual Cost</td>
</tr>
</tbody>
</table>

[*] Standard cost rates effective twelve months after the date of execution of the Agreement; where applicable, rates will be adjusted by not more than the net percentage change in the Consumer Price Index – Urban Consumers per annum (rounded to the nearest dollar) or as mutually agreed between parties for invoices rendered after each anniversary date of each year thereafter until project completion or termination of the Agreement between the parties. Any Standard Rate adopted by policy by Client will supersede rates shown above.
ATTACHMENT B

KEY LARGO WASTEWATER TREATMENT DISTRICT
GENERAL PROFESSIONAL CONSULTING SERVICES

The following services will be provided on an as-needed basis as requested by District staff and within the not-to-exceed budget threshold set forth in this Agreement:

1. **Assistance with Development of Interlocal Agreement with Islamorada** – The District has requested the assistance of PRMG in the development of an interlocal agreement for treatment services with the Village of Islamorada. The District has retained Manson Law Group to draft the interlocal agreement. PRMG has been requested to assist in the rate and financial elements of the agreement, including the formulation of the wholesale cost methodology.

2. **Other Financial and Rate Consulting Services** – The District may request certain general services from PRMG including the review of District financial policies, capital funding analysis, or other professional consulting services.

These tasks will be completed on an on-call basis, commencing only upon authorization from District staff, and will be billed based on actual hours worked and associated material cost.
I. SCOPE

Public Resources Management Group, Inc. (PRMG) agrees to perform the financial utility consulting services described in the agreement that incorporates these standard terms and conditions. Unless modified in writing by the parties hereto, the duties of PRMG shall not be construed to exceed those services specifically set forth in the agreement.

II. DISTRICT'S REPRESENTATIVE

The District General Manager or his Designate designee shall be the representative who will serve as the primary contact for Consultant.

III. TERMINATION

Either party upon thirty (30) days written notice may terminate this Agreement.

IV. COMPLIANCE WITH LAW

Consultant agrees to render services in a manner that complies with all applicable laws, rules and regulations, including ethics laws, rules and regulations.

V. INDEPENDENT CONTRACTOR

Consultant agrees that it is an independent contractor. The District is interested only in the results of the Consultant's efforts, and Consultant shall be solely responsible for the method of performance of its duties under this Agreement and for all withholding taxes, including all federal, state and local taxes, and all worker's compensation insurance.

VI. INVOICES

Consultant will invoice the District on a monthly basis for services performed in the preceding month. All invoices will be supported by narrative time sheets listing, with respect to each block of time: the name of the person providing the services; a brief description of the services provided; if the services consist of a meeting or phone call, the names of the other participants; the time spent, rounded up to the nearest 0.1 hour.

VII. PAYMENT OF INVOICES

Under Sections 218.73 and 218.74, Florida Statutes, payment is due not more than 45 days after receipt of a proper invoice. Under Section 218.74, Florida Statutes, payments not made within the time specified bear interest from 30 days after the due date at the rate of 1 percent per month on the unpaid balance. The vendor must invoice the local governmental entity for any interest accrued in order to receive the interest payment. Any overdue period of less than 1 month is considered as 1 month in computing interest. Unpaid interest is compounded monthly. For the purposes of this section, the term "1 month" means a period beginning on any day of one month and ending on the same day of the following month.

VIII. EXPENSES

The expenses charged to the District will not exceed the rates in Section 112.061, Florida Statutes, as amended.

IX. DOCUMENTS

All documents generated by Consultant in the course of providing services to the District are public records. Consultant will provide copies of such records to the District promptly upon request.

X. ASSIGNMENT

Consultant shall not assign its rights or obligations under this Agreement without the prior written consent of the District.

XI. NON-WAIVER OF IMMUNITY

Notwithstanding the provisions of Sec. 768.28, Florida Statutes, the participation of the District in this Agreement and the acquisition of any commercial liability insurance coverage, self-insurance coverage, or local government liability insurance pool coverage shall not be deemed a waiver of immunity to the extent of liability coverage, nor shall any contract entered into by the District be required to contain any provision for waiver.
XII. GOVERNING LAW

This Agreement shall be governed by the laws of the State of Florida. The parties agree that venue will lie in the appropriate court or before the appropriate administrative body in Monroe County, Florida.

XIII. ENTIRE AGREEMENT

The foregoing contains the entire Agreement of the parties hereto and supersedes any and all prior written or oral Agreements between the parties relating to the subject matter hereof. No modification of this Agreement shall be binding upon the parties unless the same is in writing signed by the parties.
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: December 21, 2010
Agenda Item No. 3

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

SUBJECT: Reconsideration of Board Action on 12/13/10 to Hire Mr. Zappulla as CFO

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 12-17-10

<table>
<thead>
<tr>
<th>Originating Department: Commissioner Hammaker</th>
<th>Costs:</th>
<th>Attachments: F.S. 190.007 &amp; 190.033</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Review:</td>
<td></td>
<td>Advertised:</td>
</tr>
<tr>
<td>[ ] District Counsel</td>
<td>[ ] Engineering, [ ] Clerk</td>
<td>Date:</td>
</tr>
<tr>
<td>[ ] General Manager</td>
<td></td>
<td>Paper:</td>
</tr>
<tr>
<td>[ ] Finance</td>
<td></td>
<td>[X] Not Required</td>
</tr>
</tbody>
</table>

Summary Explanation/Background: Commissioner Hammaker would like the Board to review the decision making procedures used in the selection of the CFO.

Resulting Board Action:
[ ] Approved  [ ] Tabled  [ ] Disapproved  [ ] Recommendation
The 2010 Florida Statutes

Title XIII
PLANNING AND DEVELOPMENT

Chapter 190
COMMUNITY DEVELOPMENT DISTRICTS

190.007 Board of supervisors; general duties.—

(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner or of an entity affiliated with a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

(2) The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

History.—s. 2, ch. 80-407; s. 7, ch. 84-360; s. 32, ch. 86-191; s. 963, ch. 95-147; s. 170, ch. 2003-261; s. 4, ch. 2007-160.
The 2010 Florida Statutes

Title XIII  Chapter 190  View Entire Chapter
PLANNING AND DEVELOPMENT  COMMUNITY DEVELOPMENT DISTRICTS

190.033  Bids required.—
(1) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in s. 287.017 for category four, unless notice of bids or other competitive solicitation, including requests for proposals or qualifications, is advertised once in a newspaper in general circulation in the county and in the district. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of s. 255.20 and other applicable general law. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high, or the board determines it is in the best interests of the district to reject all bids. In each case in which requests for proposals, qualifications, or other competitive solicitations are used, the district shall determine which response is most advantageous for the district and award the contract to that proposer. The board may require the bidders or proposers to furnish bond with a responsible surety to be approved by the board. If the district does not receive a response to its competitive solicitation, the district may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the district. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

(2) The provisions of the Consultants’ Competitive Negotiation Act, s. 287.055, apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the board.

(3) Contracts for maintenance services for any district facility or project shall be subject to competitive solicitation requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017 for category four. The district shall adopt rules, policies, or procedures establishing competitive solicitation procedures for maintenance services. Contracts for other services shall not be subject to competitive solicitation unless the district adopts a rule, policy, or procedure applying competitive solicitation procedures to said contracts.

History.—s. 2, ch. 80-407; s. 9, ch. 91-308; s. 113, ch. 94-119; s. 42, ch. 99-378; s. 12, ch. 2007-160.
The 2010 Florida Statutes

Title XIII
PLANNING AND DEVELOPMENT

Chapter 190
COMMUNITY DEVELOPMENT DISTRICTS

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History.—s. 2, ch. 80-407; s. 9, ch. 91-308; s. 113, ch. 94-119; s. 42, ch. 99-378; s. 12, ch. 2007-160.
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Dec. 21, 2010
Agenda Item No. 7

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

[X] Action

SUBJECT: Reconsideration of Board vote for CFO

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 12-17-10

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<tr>
<th>Originating Department: Commissioner Higgins</th>
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Attachments:

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

Yes I have notified everyone ____________
or
Not applicable in this case ____________:
Please initial one.

Summary Explanation/Background: Commissioner Higgins would like to review the hiring of the CFO do to the fact of receiving new information after the vote.

Resulting Board Action:
- [ ] Approved
- [ ] Tabled
- [ ] Disapproved
- [ ] Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Dec. 21, 2010

Agenda Item No. 5

[ ] PUBLIC HEARING  [ ] RESOLUTION

[X] DISCUSSION  [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Customer Service

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

Date: 12-15-10

Originating Department: Commissioner Higgins

Costs: 
Funding Source: 

Attachments:

Department Review:

[ ] District Counsel

[ ] General Manager

[ ] Finance

[ ] Engineering

[ ] Clerk

[ ] Operations Manager

Advertised:

Date: 
Paper: 
[X] Not Required

Summary Explanation/Background:

Resulting Board Action:

□ Approved  □ Tabled  □ Disapproved  □ Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Dec. 21, 2010

Agenda Item No. 6

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

SUBJECT: Low Income Grants Advertisement

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

Date: 12-15-10

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Summary Explanation/Background:

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6
KEY LARGO WASTE WATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Dec. 21, 2010

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

SUBJECT: CDBG

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager

Date: _________________

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Summary Explanation/Background:

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

Meeting Date: Dec. 21, 2010
Agenda Item No. 8

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

[ ] Action

SUBJECT: Employee Salaries

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 12-18-10

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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: Commissioner Higgins would like to act on raises before Christmas.

Resulting Board Action:

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

Meeting Date: Dec. 21, 2010  Agenda Item No. 9

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

SUBJECT: Ad on Contractors Retainage

RECOMMENDED MOTION/ACTION:

Approved by General Manager  
Date: 12-15-10

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

Summary Explanation/Background:

Resulting Board Action:
☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised6
Meeting Date: Dec. 21, 2010

Agenda Request Form

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

SUBJECT: Very Low Income

RECOMMENDED MOTION/ACTION:

Approved by General Manager

Date: 12-15-10

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

Summary Explanation/Background: Six Month Moratorium for Very Low Income Residents on fees.

Resulting Board Action:

[ ] Approved  [ ] Tabled  [ ] Disapproved  [ ] Recommendation Revised
Meeting Date: Dec. 21, 2010

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

SUBJECT: Minutes of Nov. 16, Dec. 7, Dec. 13, 2010

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-17-10

Summary Explanation/Background:

Resulting Board Action:
[ ] Approved    [ ] Tabled  [ ] Disapproved  [ ] Recommendation Revised
MINUTES
Key Largo Wastewater Treatment District (KLWTD) Meeting

November 16, 2010
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Norman Higgins, Commissioners Robert Majeska, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, Acting District Clerk Syndi Lankford, and other appropriate District Staff.

Commissioner Higgins led Pledge of Allegiance.

SWEARING IN CEREMONY
Andrew Tobin was sworn in as a Key Largo Wastewater Treatment District Commissioner.

ELECTION OF OFFICERS
Chairman
Commissioner Hammaker nominated Commissioner Majeska for Chairman.

The Board elected Commissioner Majeska as Chairman unanimously.

Commissioner Higgins nominated Commissioner Tobin for Vice Chairman.

Motion: Commissioner Brooks made a motion that if there is no opposition to a nominated individual for an office then that person is elected without a written ballot. Commissioner Tobin seconded the motion.

Vote on Motion

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Motion passed 5 to 0

Chairman Majeska nominated Commissioner Hammaker as Secretary/Treasurer.
Motion: Commissioner Brooks made a motion to close nomination for Chair, Vice Chair, and Secretary/Treasurer. Commissioner Tobin seconded the motion.

Vote on Motion for Chairman Majeska for Chair, Commission Tobin for Vice Chair, and Commissioner Hammaker for Secretary/Treasurer.

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Motion passed 5 to 0

APPROVAL OF AGENDA
Commissioner Hammaker requested that Item 9 and 10 be combined and she has a power point on Board Policy Role. Item 5 will come after item 10. Commissioner Tobin put on an organizational chart. Commissioner Brooks moved an item on Mr. Potter’s Lateral after Item 3. Chairman Majeska requested that the Financial Report be moved to the front of the agenda.

Motion: Commissioner Hammaker made a motion to approve the agenda as amended. Commissioner Tobin seconded the motion.

Vote on Motion

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Motion passed 5 to 0

PUBLIC COMMENT
The following persons addressed the Commission:

- Speaker: Steve Gibbs, Key Largo
  Subject: District Service (See Exhibit “A”)
- Speaker: Donna Dietrich, Key Largo
  Subject: Sewer Connection Issue
- Speaker: David Asdourian, Key Largo
  Subject: Inspection Quality
- Speaker: Kay Thacker, Key Largo
  Subject: Minutes
- Speaker: Jerry Potter, Key Largo
  Subject: N. Bounty Lane Changes
- Speaker: Sue Heim, Key Largo
  Subject: Salaries
- Speaker: Kay Thacker
  Subject: Salaries (See Exhibit “D”)

FINANCIAL REPORT

Consolidated Financial Report Summary
Syndi Lankford reviewed the report.
GENERAL MANAGER’S REPORT

Calusa Campground

Mr. Fishburn explained that Calusa Campground was not assessed for the collection system since they put in their own system. Chairman Majeska requested that there be a separate accounting of the time spent taking care of the Calusa Campground collection system.

Islamorada Update

Mr. Fishburn stated that Mr. Manson submitted the draft agreement to Islamorada.

**Motion:** Commissioner Tobin made a motion to have the District’s Attorney write a letter to Islamorada’s Attorney, enclosing the final draft of the contract asking them to respond in a timely manner with any questions or concerns that they have about the contract. Commissioner Higgins seconded the motion.

Commissioner Tobin amended his motion to say send a transmittal letter.

**Vote on Motion**

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Motion passed 4 to 1

CFO Position

Salvatore R. Zappulla made a presentation to the Board on his qualifications to fill the CFO position.

**Motion:** Commissioner Brooks made a motion to schedule Sal Zappulla and Kevin Madok to be at the Transition meeting on December 13, 2010 for in depth discussion following the interviews with Mr. Fishburn, Ms. Lankford and Ms. Blank. Commissioner Tobin seconded the motion.

**Vote on Motion**

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Motion passed 5 to 0
North Bounty Lane Changes
Staff explained that the District has reviewed the connections and decisions on North Bounty Lane. Mr. Fishburn reaffirmed that Staff is always receptive to logical recommendations from the public.

Commissioner Tobin would like a policy decision regarding adding pits if it benefits enough citizens.

Staff will investigate the possibility of satisfying property owners for one or possibly two pits.

Martin Waits Contract

Motion: Commissioner Brooks made a motion to postpone the Contract until December 13, 2010. Commissioner Hammaker seconded the motion.

Vote on Motion

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Motion passed 5 to 0

Commissioner Hammaker presented a power point. (See Exhibit “B”).

Commissioner Tobin presented an organizational chart. (See Exhibit “C”)

Motion: Commissioner Brooks made a motion to not take action on employee raises at the current time. Commissioner Hammaker seconded the motion.

Vote on Motion

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Motion passed 4 to 1

PRMG CONTRACT
Mr. Dillon stated that he has not approved the contract; he would like to add the District’s standard clauses.
Motion: Commissioner Brooks made a motion to not take action on the PRMG contract until Mr. Dillon (District Attorney) brings it back. Commissioner Hammaker seconded the motion.

**Vote on Motion**

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Motion passed 4 to 0

**COMMISSIONERS ITEMS**

**Sale of Package Plant**
Mr. Fishburn stated that there has been one response from a broker. The FKAA has visited the plant for potential use in the Lower Keys.

**Centrifuge and Solids Disposal**
Ms. Blank reported that there has been no substantial change.

**Customer Service**
Commissioner Higgins stated that he is concerned with the amount of calls he has been getting about mail boxes, and pot holes not being resolved.

**CDBG**
Commissioner Higgins asked if any grants have been awarded. The CDBG funds have not been released yet.

Motion: Commissioner Tobin made a motion to put on the next agenda an item for a 6 month deferral for very low income customers. Commissioner Higgins seconded the month.

Motion was withdrawn.

**BULK ITEMS**

Minutes of Nov. 8, 2010
Pending Payments of Nov. 16, 2010
Key Largo Community Park Assessment Appeal
Resolution No. 22-11-10

Motion: Commissioner Brooks made a motion to approve Bulk Items excluding the Pink Plaza Assessment Appeal with Pending Payments contingent upon the availability of funds. Commissioner Tobin seconded the motion.
Vote on Motion

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Motion passed 5 to 0

Pink Plaza Assessment Appeal

Motion: Commissioner Brooks made a motion to approve the Pink Plaza Assessment Appeal with the Appeal staying open for a year. Commissioner Hammaker seconded the motion.

Vote on Motion

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Motion passed 5 to 0

ENGINEER'S REPORT

Ed Castle gave a verbal report.

COMMISSIONER'S ROUND TABLE

Commissioner Tobin pointed out that Cris Beatty’s name was misspelled on the plaque and Mr. Fishburn should be added to the plaque as General Manager.

Motion: Commissioner Tobin made a motion to have the Plaque redone with Mr. Beauty’s name corrected and Mr. Fishburn’s name added. Commissioner Higgins seconded the motion.

Vote on Motion

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Motion passed 5 to 0

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 8:40 PM.
The KLWTD meeting minutes of Nov. 16, 2010 were approved on Dec. 7, 2010.

__________________________
Commissioner Majeska

__________________________
Carol Walker, CMC
District Clerk
Tuesday, 16 November, 2010

Key Largo Wastewater Treatment District Board of Directors
Commissioners Brooks, Hammaker, Higgins, Majeska and Tobin

Dear Commissioners:

At this time I wish to withdraw my name for consideration for any service that I might provide the District.
My energies are now better spent serving the community reporting the news rather than serving the District providing press releases and generating public relations.
I appreciate your consideration and look forward to continuing my coverage of District business.

respectfully,

Steve Gibbs
Key Largo Free Press
Cooke Communications
BOARD POLICY ROLE
Board = Policy

Staff = Implements Policy
FL KEYS = Unique work environment

FKEC chosen as fellow Keys utility example for backup.
FKEC excerpts provided to you:

- Responsibilities of the Board and Interrelationship with CEO
- Employment, Salary, Wage Administration and Working Conditions
Margaret's Employee Salaries Handout:

11/10/10

What's missing?

What's there?
What's missing:

Organization Chart

Internal and external input?

Hire Dates?

Decision criteria?
(past work experience, growth and self-improvement)
What’s there:

- 3%-5%-9%-30% raises (Rationale?)

- Management Issues:
  - Human Resources
  - Overtime
  - PR/Communication
Our Policies

- Construction focused
- Circumvented and disregarded
- Few benefits to attract and retain employees
- No clear mission or objectives of KLWTD as a utility
Our Policies

- Evaluation period issues
- Sick leave?
- Vacation policy etc.
- Hiring Process?
APPLICANT
Applies for job posted on Cooperative.com

Randy Chaney, H R Director
Screens, Reviews and Forwards

CEO          Dept. Supervisor          CFO

Phone Interview

In Person Interview

Hire - 90 Day Probation

Lateral Move  or  Promotion  or  Back to Former Job

1 Month Probation
(with weekly performance evaluations by supr.)
WE NEED to be fair and equitable vis-à-vis other Keys utilities.

- Simple policy changes NOW (initiated by board to guide staff)
- Staff proposes raises (with written rationale for board approval)
We Need

- Mission and Objectives for Board and Staff
- Zero tolerance for abusing the system whether by a commissioner or by exempt or nonexempt staff
- Recognition for exceptional service
We Need

- Fairness to employees, ratepayers and public
- Regular consistent internal communications (regular staff meetings, human resources contact)
- Regular consistent external communication with ratepayers and public (PR)
- Elevation of human resources and use of Paychex services
Margaret Blank as Operations Director would be the permanent chair of the Division Director's Committee, which would meet regularly to address issues.

Division Directors' contracts (except for Operations), would include a specific clause that requires all Directors to support and assist the Operations Director, who bears the most responsibility.

Attorney – Tom Dillon would be a permanent member of the Division Director's Committee and would provide legal and business guidance.

Engineering – Weiler Engineering – Ed Castle

Auditor – I'm not sure if we need an outside auditor.

Rather than a “top down” 1-boss model, this model reflects to some degree how we currently operate, to wit: the Board makes most of the major decisions. The model presumes that division directors would meet with each other regularly to discuss major issues/decisions (i.e., large purchases, raises, additional employees). Similar to a “strong mayor” form of government, the Board would have the ultimate authority/responsibility to approve major decisions/issues.

Positives: Eliminates 1 person controlling all decisions, encourages directors to be familiar with other divisions, provides board with different points of view, requires staff to work collegially on major decisions, encourages “enterprise” thinking

Negatives: Requires staff to work collegially on major decisions, no single point of responsibility.
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| and employees knew not that a house |
| on 8888 Ot 2.00 and painted windows. |
| Mr. Anderson talked about |
| employees knowing if they did not |
| get the house or doing exercises |
| I believe Mr. C. that he then 70 |
| businessman this year and even then |
| I believe Mr. C. that he then 70 |
| people being thin lines love and |
| 51 or 2991 7.00. people being thin lines love and |
| and go to work. and no books doing |
| and go to work. and no books doing |
| and go to work. and no books doing |
out there to get. I find it hard
to believe that employees need more
their pay because of salaries
not wages not being raised as the MC
state support.
I believe the KUSD budget
is &#147;in the hole and to be able
to finish up the whole system in 97-98
"comm. Higgen"
short a. Please consider these
items before you take a vote on.
Increasing wages.

Kay Shuster.
The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Robert Majeska, Commissioners Norman Higgins, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Mr. Anderson led Pledge of Allegiance followed by a moment of silence in respect of those lost at Pearl Harbor.

APPROVAL OF AGENDA
Commissioner Brooks requested that Commissioner Hammaker put a hold on her item number 15. Commissioner Hammaker proposed that the CFO Candidates be allowed to speak at today’s meeting. Commissioner Brooks said, “The last meeting the Board voted 5 to 0 to narrow the list of CFO candidates to two. All five voted for it. We have those candidates expecting to be the only two, that is what we left that meeting as, yet we are adding more to the list. All I am suggesting is that your candidates come back when Mr. Tobin is here, whether or not we are going to except change to our minds, so to speak, after we voted, we voted 5/0 to narrow the list to two candidates. I think that it is only fair that Mr. Tobin be here because if we bring up any issue we could very well, as I have put in my lead on the agenda, end up with a 2/2 vote and I don’t think that anyone of us wants that for the selection of our CFO.” The Board decided that they would not vote on the CFO issue at the current meeting and they would like to hear from the candidates.

Commissioner Brooks added an item 14A to discuss reconsidering a previous vote. Commissioner Higgins requested that item 14 Low Income Grants be moved to the front of the agenda. Commissioner Hammaker requested that Commissioner’s Items be moved up to after Public Comment. District Attorney Thomas Dillon added a legal item on Calusa Campground.

Motion: Commissioner Hammaker made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.

Vote on Motion

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Commissioner Tobin    Absent
Commissioner Brooks    X
Commissioner Hammaker    X

Motion passed 3 to 1

PUBLIC COMMENT
The following persons addressed the Commission:
Speaker; Burke Cannon, Hammer Point
Subject; Islamorada and Redland in Hammer Point

Speaker; Amy Slate, Key Largo
Subject; Height of connection box

Speaker; Jerry Potter, Key Largo
Subject; Number of pits on North Bounty,
Letter read see exhibit "A"

Speaker; Sue Heim, Key Largo
Subject; Customer Service, Insurance,
Salaries

Speaker; Marty Waits, Islamorada
Subject; CFO position

COMMISSIONER’S ITEMS
Low Income Grants
Ray Rash, of FKWAF gave a report on how the funding has been used. He suggested that the applicants go through CDBG first and then they look at the ones that do not qualify for CDBG.

Mr. Dillon reported that he has requested a list of Key Largo residents that will be getting a grant so that the District will not send them a 30 Day Notice. Commissioner Higgins would like to see Mr. Weis report to someone.

Overtime and Work Hours
Commissioner Higgins reviewed Mr. Weis’ time sheets for the last six months. He pointed out the amount of overtime that has been paid.

Chairman Majeska explained that Mr. Weis reports to Mr. Fishburn and he has approved the time.

Commissioner Brooks stated that it should have been made clearer.

Commissioner Hammaker explained that it should be handled by policy.

PUBLIC HEARING
RESOLUTION NO. 23-12-10
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.

Public Hearing Opened.
The following person persons addressed the Resolution: N/A
Public Hearing Closed.

**Motion:** Commissioner Brooks made a motion to adopt Resolution No. 23-12-10. Commissioner Higgins seconded the motion.

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Motion passed 4 to 0

Overtime Continued
Mr. Weis stated that he feels that the Board should have addressed the overtime issue without using his name.

**Customer Service**
Commissioner Higgins would like to hire someone just to handle customer service in the field.

The Board stressed that the residents should call the office with complaints.

**CFO (Commissioner Hammaker)**
Cristina Rodriguez, Billie Jo Umanis, David Andrews, and Kevin Madok introduced themselves to the Board and explained why they would be best suited for the CFO position.

**FINANCIAL REPORT**

**Pending Payments**

**Motion:** Commissioner Brooks made a motion to approve the amended pending payments with the additional $26,084.31 and $288,737.03 payments contingent upon the availability of funds. Commissioner Higgins seconded the motion.

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Motion passed 4 to 0

**Trustee Appointment 457B Plan**

**Resolution No. 24-12-10**
A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT NAMING A 457 PLAN TRUSTEE, AND PROVIDING FOR AN EFFECTIVE DATE

Finance recommended Mr. Dillon as Trustee.

Motion: Commissioner Brooks made a motion to appoint Mr. Dillon as 457 B Plan Trustee and to adopt Resolution No. 24-12-10. Commissioner Higgins seconded the motion.

Vote on Motion

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Motion passed 4 to 0

GENERAL MANAGER’S REPORT
2011 Meeting Dates

Motion: Commissioner Brooks made a motion to approve the 2011 Meeting Dates. Commissioner Higgins seconded the motion.

Vote on Motion

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Motion passed 4 to 0

WWTP Shallow Wells
Mr. Fishburn explained that this item would be for the design of the wells.

Motion: Commissioner Hammaker made a motion to approve the work authorization for Shallow Wells. Commissioner Higgins seconded the motion.

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Motion passed 4 to 0
Coastal Waterways
Mr. Fishburn explained where Coastal Waterways is located. Mr. Dillon stated he does not approve of the current contract.

Motion: Commissioner Brooks made a motion to not take action at the current time. Commissioner Higgins seconded the motion.

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Motion passed 4 to 0

Insurance
Mr. Fishburn recommended that the District contract for the $511 medical plan plus the $88 dollars premium.

Motion: Commissioner Brooks made a motion to approve the medical insurance premium of $511 plus the $88 dollar a month premium. Commissioner Higgins seconded the motion.

Vote on Motion

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Motion passed 4 to 0

Salaries
The Board requested budget information and how raises would affect it.

Motion: Commissioner Brooks made a motion to not take any action on salaries at the current time. Commissioner Hammaker seconded the motion.

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Commissioner Hammaker X

Motion passed 3 to 1

PlACEMENT OF CONNECTION ON 46 Dolphin Road
Mr. Fishburn stated that an offer has been made. This item will be brought back.

ACOE Update
Mr. Fishburn gave a report on ACOE Funds.

BULK ITEMS
Minutes of November 16, 2010

Motion: Commissioner Brooks made a motion to hold the minutes. Motion died due to a lack of a second.

Motion: Commissioner Higgins made a motion to approve the minutes. Commissioner Hammaker seconded the motion.

Vote on Motion

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Motion tied 2 to 2

STATUS REPORTS

Package Plant Status Report
Greg Mathews presented his report.

Customer Service Status Report
Synthia Lankford presented her report.

Tie In Status Report
Carol Walker presented her report.

Operations Status Report
Margaret Blank presented her report.

ENGINEER'S REPORT
Ed Castle presented his status report.

LEGAL COUNSEL REPORT
Mr. Dillon reported that there will be a maintenance agreement for Calusa Campground brought back to the next regular meeting.
COMMISSIONER'S ROUNDTABLE
CFO
Board decided to interview the candidates at the next meeting in 20 minutes intervals.

Amy Slate's Pit
The Board discussed the pit.

North Bounty Lane
Mr. Potter explained why there should be two more pits on N. Bounty

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 8:35 PM.

The KLWTD meeting minutes of Dec. 7, 2010 were approved on Dec. 21, 2010.

____________________________
Chairman Majeska

____________________________
Carol Walker, CMC
District Clerk
Jerry Potter  
29 North Bounty Lane  
Key Largo, Fl. 33037  
(305) 852-5959  

Hand Delivered (Potter request to read into record) December 7, 2010

Carol Walker  
Key Largo Wastewater Treatment District Clerk  
98880 Overseas Hwy  
Key Largo, FL 33037

RE: Sewer Connection Buccaneer Point

This letter is to the board concerning the sewer connection on North Bounty Lane (NBL). At the first meeting on November 8, 2010, I was only given the latest drawings a few hours before the 11/08/10 meeting. At the first meeting board member Robert Majeska made the following statement:

"we are not going to change any thing, if we do we will have to change it for everyone."

It is clear that Mr. Majeska is biased and prejudiced to ever even consider making any changes to the revisions by staff intern engineer Robert Crow who made to the original 07/07/10 drawings (from McCain Engineering). It is possible that some mistakes could have been made. Mr. Crow was also was against any changes and further stated:

"I am not going to make any more changes, because when you change it then it affects others and then more changes are needed again."

The simple reason is KLWTD does not know the location of respective septic tanks.

Taken logically Mr. Crow’s solution with the initial revision obviously treated the symptoms by stating that the problem would just go back and forth. The true facts are that the KLWTD staff did not determine the location of the septic tanks for each home site. They are biased and prejudiced against the homeowners being given a fair hearing that can look at any evidence that would support the Key Largo Wastewater Treatment District (KLWTD) decision as supporting the revision. It has taken some time to locate most of all septic tanks on NBL. It was also Thanksgiving weekend not the best time to gather homeowners.

At the November 16, 2010, regular scheduled hearing I was given time to meet property owners and then to meet with the staff and present our side. While the homeowners were led to believe that the “time allowed” was to allow the homeowners to report back to board representative Richard Crow with alternatives and certain facts not considered by Mr. Crow. There are “facts possibly not considered” by KLWTD staff.
However, before any of this could be accomplished Mr. Potter was told on November 23, 2010, by Mr. Behee, (Behee is employed by KLWTD) that Mr. Crow had given the order “start digging on NBL”. When Mr. Behee was questioned by telephone on November 23, 2010, by Mr. Potter as to who gave the order and when was it given. Mr. Behee, replied:

“Richard Crow, on Monday November 22, 2010, around 3:00 p.m. ”

Mr. Beehe gave the order to start digging on NBL (11/22/10) to Danny Zumer, who works for Fountain Engineering, (construction company laying the pipe in roadway [NBL])

It does not appear that the Board representative, Richard Crow, Intern Engineer, has any intention of listening to or even considering any of the home owners possible solutions. Mr. Crow also stated, to buffer the reason for the change that by making the change that he stated (Mr. Crow) saved the District seventeen (17) to eighteen(18) thousand dollars ($17,000 - $18,000).

A closer look at the facts:

On the original McCain drawing there are seventeen (17) vacuum pits. NBL has sixty-four (64) lots, fourteen (14) of which are “empty lots.”
When compared to the revision made 11/05/10, by Mr. Crow the results are the same 64 lots connected to the same seventeen (17) vacuum pits.
On the revision lot 36 in block 6 had the main vacuum line moved from the north property line to the south a distance of approximately 70-80 feet.
Lot 36, block 6 is 80 foot wide.
The same number of vacuum pits were used in the revision as the original drawing. It is necessary to locate the septic locations to solve the problem. KLWTD staff refuses to attempt to do this. A more equitable solution is Possible. We need to meet with a staff that is unbiased and prejudiced.
SUMMARY: THERE WAS NO SAVING OF $17-18,000 DOLLARS

Chairman Richard Majeska was elected chairman at the November 16, 2010, regular scheduled board meeting. His first act as chairman was to limit the public input to 3 minuets. This is another way of not allowing the NBL homeowners a fair hearing. Mr. Majeska should not be allowed on the board to participate in this case along with KLWTD Counsel Thomas Dillion. Both are residents of Mutiny Lane the street across the lake from Bounty Lane. Both should recuse or disqualify themselves form any participation in any discussion in this cause. Additionally, Mr. Majeska, has a business in the area and many of the residents are customers of his pet shop. It is beyond the appearance of bias or prejudice.

I am being denied due process by not being allowed to present my case before a staff that is unbiased and a board hearing that has member that have no other business contacts with the residents of this neighborhood. It simply gives the impression of “NOT RIGHT.”
The "core" of due process is the right to notice and an opportunity to be heard. *LaChance v. Erickson*, 522 U.S. 262 (1998); see also *Mathews v. Eldridge*, 424 U.S. 319 (1976). When assessing whether or not a violation of due process has occurred "the court must first decide whether the complaining party has been deprived of a constitutionally protected liberty or property interest. Absent such a deprivation there can be no denial of due process." *Economic Dev. Corp. of Dade County, Inc. v. Stierheim*, 782 F. 2d 952, 953-54 (11th Cir. 1986).

Due process is a flexible concept and requires only that the proceeding be "essentially fair." *See Gilbert v. Homar*, 520 U.S. 924 (1997) (recognizing that "it is now well-established that 'due process unlike some legal rules is not a technical Conception with a fixed content unrelated to time, place and circumstances'") (quoting *Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO v. McElroy*, 367 U.S. 886 (1961)). The extent of procedural due process protection varies with the character of the interest and nature of the proceeding involved.

There is, therefore, no single unchanging test which may be applied to determine whether the requirements of procedural due process have been met. Courts instead consider the facts of the particular case to determine whether the parties have been accorded that which the state and federal constitutions demand. See *Hadley*, 411 So. 2d at 187; see also, *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985) (citing *Boddie v. Connecticut*, 401 U.S. 371 (1971).

The United States Supreme Court has held that there are three distinct factors to consider in the analysis of whether the due process accorded in any proceeding was constitutionally sufficient: 1) the private interest that will be affected by the official action; 2) the risk of an erroneous deprivation of such interest through the procedures used; and 3) the probable value, if any, of additional or substitute procedural safeguards. *Mathews v. Elderidge*, 424 U.S. 319, 334-35 (1976). The government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail should also be considered.

When applying these general due process principles to the specific context of quasi-judicial administrative hearings, it is always important to distinguish between parties and the actual participants.

Nevertheless, a party to a quasi-judicial hearing, by virtue of its direct interest that will be affected by official action, "must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts."
See: Kupke v. Orange County, 838 So. 2d 598, 599 (Fla. 5th DCA 2003)
(citing Lee County v. Sunbelt Equities, II, Ltd. Partnership,
619 So. 2d 996 (Fla. 2d DCA 1993).

I would like to be able present my argument to an engineer other than Mr. Crow,
or be allowed to draw up my argument present it to an outside engineer and if approved then bring it
to the board for its review.

Due to the Christmas holidays it seems only fair to allow us residents on NBL to not
have to force this down our throats. A one month delay to allow us on NBL to get our approval from
outside of staff and present it in a formal manner and have no objection to staff arguing why our
plan if approved by outside engineer cant be implemented. Then let the board vote.

Respectfully submitted,

Jerry Potter, Pro-se Petitioner
29 North Bounty Lane
Key Largo, Fl. 33037
(305) 852-5959

Copies to all KLWTD Commissioners
The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Robert Majeska, Commissioners Norman Higgins, Charles Brooks, Andrew Tobin, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Mr. Draper led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Commissioner Brooks requested an item concerning Mr. Draper be brought up during Commissioner’s Roundtable. Commissioner Tobin requested that Budget Impact of Salary Increases and Martin Waits’ Contract be moved to the December 21st meeting.

Motion: Commissioner Brooks made a motion to approve the agenda as amended. Commissioner Tobin seconded the motion.

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
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<tbody>
<tr>
<td>Chairman Higgins</td>
<td>X</td>
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<tr>
<td>Commissioner Majeska</td>
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<td>Commissioner Tobin</td>
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<td>Commissioner Brooks</td>
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<tr>
<td>Commissioner Hammaker</td>
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Motion passed 5 to 0

**COASTAL WATERWAYS**

Motion: Commissioner Brooks made a motion to approve the Coastal Waterways contract with Glen Boe & Associates. Commissioner Higgins seconded the motion.

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
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<th>Other</th>
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<tbody>
<tr>
<td>Chairman Higgins</td>
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</table>
UTILITY MANAGEMENT & BOARD RESPONSIBILITIES
Dr. Frederick Bloetascher gave a presentation on the Boards responsibilities and direction.

CFO CANDIDATE INTERVIEWS
Christina Rodriguez, Billie Jo Umans, David Andrews, Kevin Madok, and Salvatore Zappulla.

The Board had each candidate give a presentation and then answer questions from Board Members.

The Board discussed the candidates’ qualifications.

Motion: Commissioner Higgins made a motion to select Mr. Zappulla as CFO. Commissioner Tobin seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
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<th>Other</th>
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<tbody>
<tr>
<td>Chairman Higgins</td>
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<td>Commissioner Majeska</td>
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<td>Commissioner Tobin</td>
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<td>Commissioner Brooks</td>
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<tr>
<td>Commissioner Hammaker</td>
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</table>

Motion passed 4 to 1

The Board directed District Counsel Thomas Dillon to work on a contract with Mr. Zappulla.

COMMISSIONER'S ROUNDTABLE
Commissioner Higgins stated that Mr. Obrien will be on a conference call at the next meeting to discuss CDBG at 5 PM.

Mr. Draper asked the Board to reconsider the placement of pits on Bounty.

Motion: Commissioner Higgins made a motion to put two more pits into the plan for North Bounty Lane. Commissioner Hammaker seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
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<tbody>
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<td>Commissioner Majeska</td>
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<td>Commissioner Tobin</td>
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<tr>
<td>Commissioner Brooks</td>
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</table>
Commissioner Hammaker X

Motion passed 3 to 0

LEGAL
Mr. Dillon advised the Board that he will be bringing them two items on the next agenda;
1. Assumption of Collection System Maintenance Responsibilities in Calusa
2. Deferral of Connection Requirements for Low Income Residents

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 9:24 PM.

The KLWTD meeting minutes of Dec. 13, 2010 were approved on Dec. 21, 2010.

______________________________
Chairman Majeska

______________________________
Carol Walker, CMC
District Clerk
Meeting Date: 16, 2010

[ ] PUBLIC HEARING  [ ] RESOLUTION

[ ] DISCUSSION  [ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM  [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Resolution No's. 27-12-10

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager

Date: 12-17-10

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Costs:</th>
<th>Attachments</th>
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<tr>
<td>Legal</td>
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<td>Resolution No. 27-12-10</td>
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<th>Department Review:</th>
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<tr>
<td>District Counsel</td>
<td>[ ] Engineering</td>
<td>[X] Not Required</td>
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<tr>
<td>General Manager</td>
<td>[ ] Clerk</td>
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<tr>
<td>Finance</td>
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Summary Explanation/Background: This removes an environmentally sensitive lot from the 2009 Assessment Role which Monroe County has purchased and that the District is not going to serve.

Resulting Board Action:

☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
RESOLUTION NO. 27-12-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS
APPROVING DESIGNATION OF ONE TAX PARCEL AS A
PARCEL EXCLUDED FROM THE 2009 NON-AD
VALOREM ASSESSMENT; AND PROVIDING FOR
APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Monroe County Property Assessor and the State of Florida have submitted documentation showing that the parcel described herein has been purchased for conservation, and is not capable of being improved with facilities that will generate wastewater; and

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

Section 1.
PARCEL ID: 00446010-000000
AK NO. 1545686
PARCEL DESCRIPTION: BK 3 LT 23 OCEAN PARK VILLAGE PB4-14 KEY LARGO OR604-57 OR1073-920 OR1073-921 OR1145-83 OR1725-466QC OR2047-1898

Section 2.
The Key Largo Wastewater Treatment District Board of Commissioners does hereby exclude the deleted tax parcel designated above from the Key Largo Wastewater Treatment District’s 2009 Non-ad Valorem Assessment, provided that if the District in its sole discretion later provides Wastewater Service to an Excluded Parcel, the then-current owner(s) shall be required to pay to the District all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the Tax Parcel will receive, as determined by the District. The amount charged at the time of later connection is expected to be significantly greater than the 2009 non-ad valorem assessment.

Section 3. APPLICABILITY AND EFFECTIVE DATE.
This resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 21ST DAY OF DECEMBER, 2010
The foregoing RESOLUTION was offered by Commissioner Brooks, who moved its approval. The motion was seconded by Commissioner Tobin, and being put to a vote the result was as follows:

<table>
<thead>
<tr>
<th>Commissioner Name</th>
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<tr>
<td>Commissioner Norman Higgins</td>
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<td>Commissioner Charles Brooks</td>
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<td>Commissioner Susan Hammaker</td>
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<td>Commissioner Andrew Tobin</td>
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<td>Chairman Robert Majeska</td>
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The Chairman thereupon declared Resolution No. 27-12-10 duly passed and adopted the 21st day of December, 2010.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: __________________________
   Chairman Majeska

ATTEST: Approved to as to form and legal sufficiency

__________________________________________
Carol Walker, District Clerk

__________________________________________
District Counsel, Thomas M. Dillon

SEAL
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Dec. 21, 2010

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

SUBJECT: Monthly Projects Status Report

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 12-15-10

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<thead>
<tr>
<th>Originating Department:</th>
<th>Costs: $</th>
<th>Attachments:</th>
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<tbody>
<tr>
<td>Weiler Engineering</td>
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</table>

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

[ ] Engineering
[ ] Clerk

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

Summary Explanation/Background: A representative from Weiler Engineering will give a verbal monthly status report.

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

Meeting Date: Dec. 21, 2010
Agenda Item No. 14

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

SUBJECT: CFO Contract

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 12-17-10

Originating Department: Legal
Costs: $75,000
Attachments: Contract

Department Review: [ ] District Counsel [ ] Engineering
[ ] General Manager [ ] Clerk
[ ] Finance

Advertised:
Date: ____________________
Paper: ____________________
[ ] Not Required

Summary Explanation/Background: Two proposed contracts are attached. One contract is very similar to current employee contracts. The second contract (Attachment A) contains revised conditions recommended by Commissioner Tobin.

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

INITIAL 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: Salvatore Zappulla, 9 Jerome Lane Key West, Florida 33040
2. Employee Title: Chief Financial Officer
3. Employee Compensation Rate: $75,000.00/year
4. Effective Date of this Employment Contract: January 1, 2011
5. Term of Employment Contract: One year
6. Date of first District Employment: January 3, 2011
7. General Provisions of Employment: See Attachment A
8. Employee Duties: See Attachment B.
9. Special Terms of Employment:
   a. Paragraph 6 of the Employment Agreement is amended to provide that, the District will pay the medical premiums for Employee under the District's group medical plan, at the rate approved by the District Board from time to time.
   b. Paragraph 1.c of the Employment Agreement is amended to provide that the first 180 days of the term of the Employment Contract shall be considered a probationary period, during which time either party may terminate the Employment Contract without cause upon 7 days' written notice to the other party.

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

Key Largo Wastewater Treatment District

By
Charles F. Fishburn
Its General Manager

Employee

By
Salvatore Zappulla

ATTACHMENT B
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

CHIEF FINANCIAL OFFICER 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. Establish and maintain financial control, financial reporting, and budgetary controls relating to District revenue and expenditures.

B. Prepare and maintain District assessment rolls and annual non ad valorem tax roll for submission to the Monroe County Tax Collector, and maintain financial control of assessment revenue.

C. Establish and maintain financial control of the billing and collection of District wastewater service charges performed by the Florida Keys Aqueduct Authority as a contract service for the District.

D. Establish and maintain financial control of District procurements and the District’s procurement process.

E. Prepare District annual budget and monitor all grant related financial management functions.

F. Provide advice and assistance in risk management functions.

G. Ensure all internal controls are in place to comply with State Statutes, Rules of the Auditor General of the State of Florida, District Policies and the Codification of Government Accounting and Financial Reporting Standards published by the Governmental Accounting Standards Board.

H. Provide cash and investment management, accounting, billing, receivable maintenance, accounts payable, disbursing and general and subsidiary ledger maintenance services for the District.

I. Ensure all cash and investment balances are properly safeguarded and all revenue and expenditures are accurately and timely processed to safeguard the assets of the District.

J. Assist District external auditor in reviewing financial records.


L. Ensure maintenance of District fixed asset records and schedule annual inventory of same.

M. Prepare monthly trial balance, revenue and expenditure reports, grant reports, and reconcile cash, investments, receivable, and payable balances.

N. Assist Monroe County in preparing documents to support MSTU tax levy.
O. Prepare agenda items to meet agenda deadlines established by the District Clerk prior to each meeting.

P. Recurring items:
   a. Payments pending list for Board of Commissioner approval.
   c. Quarterly statement of capital project sources and uses of funds.
   d. Quarterly statement of revenue and expense marked to budget.
   e. Prepare checks, obtain signatures for checks in accordance with the District's authorized signature limits and mail payments to vendors.

Q. Non-Recurring items:
   a. Special Studies.
   b. Bids and requests for proposals.
   c. Grant status reports.
   d. Assist in preparation of grant requests, including preparing financial schedules to support requests.
   e. Prepare grant invoices and submit to grantor agencies.
   f. Follow-up with grantor agencies to obtain payments and to respond to granter agency questions.
   g. Prepare bank line of credit requests.
   h. Prepare all draw requests as needed from County and other financing sources, and obtain Board of Commissioner approval.
   i. Follow up with District Counsel, District Engineer and vendors to clear up causes of payment disapproval.

R. Obtain CAFR printing and submit to State of Florida regulatory agencies, bank and any federally mandated repositories (required for bond compliance if District ever issues revenue bonds to public).

S. Prepare and submit statutory annual financial report to State Department of Banking and Finance after obtaining auditors concurrence. Coordinate with External Auditor prior to submission, as required by Statute.

T. Perform District risk management functions including obtaining insurance, payment of premiums, filing and monitoring any claims and providing required documentation to insurer.

U. Coordinate with Monroe County, Monroe County Clerk of Courts, and state and federal agencies to ensure grant compliance is completed properly. This is designed to avoid any claim for improper expenditure and subsequent refund of grant proceeds.
V. Act as custodian of the District's financial books and records, which shall be maintained in accordance with Florida Statutes Section 189.9.

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

X. 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. Developing list of items needing completion or correction.
   g. Provide proof of compliance with funding and grant requirements.
   h. Request advances and reimbursements consistent with funding and grant requirements.
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 30 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.
   d. For work performed at the request of the District in immediate preparation for, or in response to, an emergency condition or disaster, Employee shall be entitled to receive administrative leave time equal to 1.5 times the hours worked. This administrative leave shall accrue only at times when the District General Manager has declared an emergency and has expressly requested Employee to work. Employee shall keep records of the time worked pursuant to this paragraph and shall submit them to the District General Manager for review and approval. Any leave accrued hereunder must be scheduled in consultation with the District General Manager to minimize the inconvenience and other impacts to the District, and must be taken within twelve months of the end of the disaster or emergency condition, and any accrued leave not taken in that time shall expire unless, for good cause, the District General Manager grants an extension. In no event shall Employee be entitled to monetary compensation for this administrative leave time.

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, and one floating holiday to be scheduled in consultation with the District General Manager. 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 457(b) 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 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 set out in the District Travel Expense Policy.
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
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 A
KEY LARGO WASTEWATER TREATMENT DISTRICT
EMPLOYMENT CONTRACT

GENERAL PROVISIONS FOR CHIEF FINANCIAL OFFICER

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 30
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, which consent may be withheld if the District
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.

j. Employee shall be responsible directly to the District Board of Commissioners. Employee serves at the direction of the District Board, as opposed to any single commissioner. Prior to undertaking any assignment requiring significant time or effort at the request of a single commissioner, Employee shall seek approval from the Board.

k. Employee acknowledges that the District has submitted a contract to the Village of Islamorada and is engaged in negotiations regarding the potential provision of wastewater treatment services to the Village. Employee shall not take any action with regard to the proposed contract or the negotiations except at the express direction of the District Board of Commissioners.

l. Employee shall comply with all policies adopted by the District.

m. In performing the duties of Chief Financial Officer, Employee shall coordinate with, and support as appropriate, other managers, department heads, the District Engineer, and District Counsel. Employee shall seek the Board's guidance on how best to provide such support.

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.
d. For work performed at the request of the District in immediate preparation for, or in response to, an emergency condition or disaster, Employee shall be entitled to receive administrative leave time equal to 1.5 times the hours worked. This administrative leave shall accrue only at times when the District has declared an emergency and has expressly requested Employee to work. Employee shall keep records of the time worked pursuant to this paragraph and shall submit them to the District for review and approval. Any leave accrued hereunder must be scheduled in consultation with the District Operations Manager to minimize the inconvenience and other impacts to the District, and must be taken within twelve months of the end of the disaster or emergency condition, and any accrued leave not taken in that time shall expire unless, for good cause, the District grants an extension. In no event shall Employee be entitled to monetary compensation for this administrative leave time.

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 Operations 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, and one floating holiday to be scheduled. 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 457(b) 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 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 set out in the District Travel Expense Policy.

8. Termination for Disability or Cause. The Employment Contract may be terminated by the District, acting through its Board of Commissioners upon any of the following events:
   a. The expiration of 30 days following written notice to the 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 Board that Cause exists to terminate the Employment Contract, and written notice of termination for Cause 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:
Chairman of the Board
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.

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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.

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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.
The resolution would enable the District to assume responsibility for the Calusa collection system.
RESOLUTION NUMBER 25-12-10

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REGARDING MAINTENANCE OF THE COLLECTION SYSTEM AT CALUSA CAMPGROUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District has adopted a resolution providing for installation of wastewater collection systems on certain single-lot common-interest properties; and

WHEREAS, Calusa Campground is a single-lot common-interest property, but is not eligible for District construction of its wastewater collection system; and

WHEREAS, Calusa Campground has constructed a wastewater collection system on its property and the District has approved its design, construction, and connection to the District wastewater collection system; and

WHEREAS, the Calusa Campground collection system is a vacuum system connected directly to the District vacuum system and, as a result, any functional problem with the Calusa vacuum system directly impacts the District vacuum system; and

WHEREAS, the Calusa Campground collection system is the only collection system that is connected to the District collection system in such a way as to directly affect the District vacuum system; and

WHEREAS, the Key Largo Wastewater Treatment District Board finds that it is in the best interests of the District that the District take over maintenance of the Calusa Campground collection system;

NOW, THEREFORE, the District Board of Commissioners resolves:

1. MAINTENANCE OF CALUSA VACUUM SYSTEM. Beginning on the effective date of this resolution, the District shall assume maintenance responsibility for the Calusa Campground collection system.

2. CONSTRUCTION OF IMPROVEMENTS. The District will identify the condominium units within Calusa Campground that are used on a transient basis. The District will make minor improvements to the collection piping, consisting of permanent installation of pipe extensions, collars, caps, or other additions in order to minimize the introduction of rocks and other debris into the District collection system.

3. NO ADDITIONAL CHARGE FOR MAINTENANCE OR IMPROVEMENTS. The District will maintain the Calusa Campground collection system, and make the minor improvements described above at no additional charge to Calusa Campground Condominium Association or its unit owners.

4. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption by the District.
The foregoing RESOLUTION 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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The Chairman thereupon declared Resolution No. 25-12-10 duly passed and adopted the 21st day of December, 2010

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: ____________________________
    Chairman Robert Majeska

ATTEST: Approved to as to form and legal sufficiency

______________________________
Carol Walker, District Clerk

______________________________
District Counsel, Thomas M. Dillon
Meeting Date: Dec. 21, 2010

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

[ ] Action

SUBJECT: Low Income Connection Deferral Resolution

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager
Date: 12-15-10

Originating Department: Legal
Costs:
Funding Source:

Attachments: Resolution for Public Hearing, List of Multiple Dwellings, Single Lot Common Interest List, Resolution Amending Rules, Resolution Regarding Classifications, Resolution regarding Rates

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

[ ] Engineering
[ ] Clerk

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

Summary Explanation/Background: The resolution would defer the connection requirement for persons who have applied for CDBG grant assistance.

Resulting Board Action:
☐ Approved  ☐ Tabled  ☐ Disapproved  ☐ Recommendation Revised
RESOLUTION NUMBER 26-12-10

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT PROVIDING FOR TEMPORARY DEFERRAL OF CONNECTION
REQUIREMENTS AND CREDITS FOR WASTEWATER FEES COLLECTED
FROM LOW-INCOME RESIDENTS; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, the Key Largo Wastewater Treatment District desires to provide temporary assistance for
certain low-income residents;

NOW, THEREFORE, the District Board of Commissioners resolves:

1. CLASSIFICATION OF LOW-INCOME RESIDENTS ELIGIBLE FOR TEMPORARY RELIEF. The persons
   eligible for temporary relief are all those persons who have applied, or will apply for Community
   Development Block Grant assistance offered by HUD through Monroe County.

2. EFFECTIVE DATE OF TEMPORARY RELIEF. The temporary relief provided under this resolution
   will take effect for an individual upon certification by Meridian Community Services Group that it has
   received a complete application from the individual for CDBG assistance.

3. NORMAL DURATION OF TEMPORARY RELIEF. The temporary relief for an individual will
   normally last until six months after the effective date of this resolution, or six months after the District
   receives certification from Meridian Community Services Group that the individual has filed a complete
   application for CDBG assistance. The temporary relief may be extended or terminated as provided
   below.

4. EXTENSION OF TEMPORARY RELIEF. If Meridian Community Services Group notifies the District
   that an individual has been determined to be eligible for CDBG assistance, the temporary relief will be
   extended until sixty days after the Meridian Community Services Group notification described herein.

5. TERMINATION OF TEMPORARY RELIEF. If Meridian Community Services Group notifies the
   District that an individual has been determined to be ineligible for CDBG assistance, the District will
   promptly send a 30-day notice to connect to the individual.

6. EFFECT OF TEMPORARY RELIEF. Upon receipt of the certification from Meridian Community
   Services Group, the District will notify the affected individual that he or she is receiving temporary relief.
   For the duration of the temporary relief, the District will not require the affected individual to connect
   to the District collection system, and the District will not cause the individual to be billed for wastewater
   services. If the individual has been billed for wastewater services during the temporary relief period, the
   District will cause a credit to be issued to the individual equal to the amount received for wastewater
   services.

7. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption by the District.
The foregoing RESOLUTION 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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The Chairman thereupon declared Resolution No. 26-12-10 duly passed and adopted the 21st day of December, 2010

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: ________________________________

Chairman Robert Majeska

ATTEST: Approved to as to form and legal sufficiency

______________________________

Carol Walker, District Clerk

District Counsel, Thomas M. Dillon

SEAL