AGENDA

Board of Commissioners Meeting
98880 Overseas Highway
Key Largo, FL 33037

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE
C. ROLL CALL

BOARD MEMBERS:
David Asdourian  Chairman
Andrew Tobin    Vice Chairman
Robert Majeska  Commissioner
Norman Higgins  Commissioner
Stephen Gibbs   Commissioner

DISTRICT STAFF:
Paul Christian  General Manager
Ray Giglio      General Counsel
Katherine Jackson  District Clerk

MISSION STATEMENT:
"The Mission of the Key Largo Wastewater Treatment District is to preserve and protect the delicate ecosystem of the Florida Keys while providing exceptional customer service."
D. RECOGNIZE DISTRICT STAFF

E. AGENDA ADDITIONS, CORRECTIONS OR DELETIONS
   1. Approval of Agenda

F. PUBLIC COMMENT

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
   1. Minutes of December 15, 2015

H. CONSTRUCTION REPORT
   1. Monthly Construction Report

I. OPERATIONS REPORT

J. ENGINEER'S REPORT

K. ADMIN / CUSTOMER SERVICE REPORT
   1. Reversal of Waiver – AK#1571431

RESOLUTION DRAFT NO. 01-01-16
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF
HAROLD AND SHERRY FRIED FOR THE REINSTATEMENT OF ASSESSMENT OF ONE TAX
PARCEL TO THE 2015 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR
APPLICABILITY AND AN EFFECTIVE DATE.

L. COMMISSIONER'S ITEMS

M. GENERAL MANAGER'S REPORT
   1. Verbal Update on the Manatee Bay and Monroe Park Sewer
      Service Study
   2. Washington, D.C. Update

N. LEGAL REPORT
   1. Legal Report on the Waiver of the Fire and EMS Building
      Assessments
   2. General Counsel Employment Contract

O. BUDGET AND FINANCE REPORT

P. ROUNDTABLE DISCUSSION

Q. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this
meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which
record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting
should contact the District Clerk at 305-451-4019 at least 48 hours in advance to request accommodations.
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 5, 2016
Agenda Item Number: G-1

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Action

Department: District Clerk
Sponsor: Katherine Jackson

Subject: Minutes of December 15, 2015

Summary of Discussion:

Reviewed / Approved
Operations: 
Administration: 
Finance: N/A
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
$ 0.00
Funding Source:
Budgeted: N/A

Attachments
Minutes of December 15, 2015

Approved By: General Manager
Date: 12/31/2015
MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on December 15, 2015. Present were Chairman David Asdourian, Commissioner Andrew Tobin, Commissioner Robert Majeska, Commissioner Norman Higgins, and Commissioner Stephen Gibbs. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Operations Manager Chuck Adams, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Ms. Cynthia Henderson led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Commissioner Majeska moved General Manager’s Report under State Legislature Updates and added two items: 1) last year’s financial report under finance and 2) update of blowers under Engineer’s Report.
- Commissioner Tobin requested item N-4, General Counsel Employment Contract be postponed to a future meeting, Commissioner Higgins suggested that it be kept on this agenda, as a compromise, Chairman Asdourian suggested the item be changed from Action to Discussion.
- Commissioner Gibbs added to the Operations Report an update on the salinity and progress of Islamorada.
- Chairman Asdourian requested the Legal Report on the Waiver of the Fire and EMS Building Assessment be moved to a future meeting as a courtesy to Bob Thomas, who was unable to attend today’s meeting.
- Mr. Ray Giglio added a discussion to the Legal Report regarding the status of local bills.

APPROVAL OF AGENDA

Motion: Commissioner Gibbs made a motion to approve the agenda as amended and Commissioner Higgins seconded the motion. The motion passed without objection.

PUBLIC COMMENT

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dottie Moses</td>
<td>General Comments on K LWTD</td>
</tr>
<tr>
<td>1 Harbor Drive</td>
<td></td>
</tr>
<tr>
<td>Sue Heim</td>
<td>Manatee Bay and Monroe Park Sewer Service</td>
</tr>
<tr>
<td>Key Largo</td>
<td>Study</td>
</tr>
</tbody>
</table>
Sue Heim  Resolution to Establish Fees and Charges for
Key Largo  Records Requests

Public Comment: Ms. Dottie Moses addressed the Board regarding her observation of
unauthorized activities on the District’s Property in front of the treatment plant.

Commissioner Majeska requested that the General Manager report on Ms. Moses’ comments
under the General Manager’s Report.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Minutes of December 8, 2015

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

Vote on Motion
Commissioner Higgins – Aye
Commissioner Gibbs – Aye
Commissioner Majeska – Aye
Commissioner Tobin – Abstain
Chairman Asdourian – Aye
Motion Passed: 4 to 0

STATE LEGISLATION UPDATES

Ms. Cynthia Henderson, with Cynergy Consulting (the District’s lobbyists in Tallahassee), gave
an oral update of the progress of the Florida Stewardship Act in the Florida Legislature. Ms.
Henderson explained that the Florida Stewardship Act included interests from the Mayfield
Grant, and would allocate $25 million per year for 10 years to Monroe County entities. Ms.
Henderson also informed the Board of the next steps in getting the bill passed and funded. Mr.
Paul Christian expressed his appreciation for all of Ms. Henderson’s efforts and hard work.

Ms. Henderson announced that Florida Keys Day will be held on February 17, 2016, and
answered questions from the Board.

GENERAL MANAGER’S REPORT

Manatee Bay and Monroe Park Sewer Service Study

Public Comment: Ms. Sue Heim expressed her opposition to imposing additional expenses on
the rest of the ratepayers in order to extend the District’s service area to include Manatee Bay
and Monroe Park.

Mr. Paul Christian and Mr. Ed Castle presented the Manatee Bay and Monroe Park Sewer
Service Study to the Board and answered questions. Multiple members of the Board expressed
a desire for more accurate estimates of the construction and annual operation costs associated
with sewering Manatee Bay and Monroe Park.
The Board requested that staff take a closer look at the costs and potential revenues associated with the project and to bring the report back.

Motion: Commissioner Higgins made a motion to write a letter to the Health Department and Bill Brookman indicating that the District is firming up and reviewing the numbers associated with sewer ing Manatee Bay and Monroe Park and requesting that the Health Department grant the residents more time to meet the state requirements, and Commissioner Tobin seconded the motion.

Vote on Motion:
Commissioner Higgins – Aye
Commissioner Tobin – Aye
Commissioner Gibbs – Aye
Commissioner Majeska – Aye
Chairman Asdourian – Aye
Motion Passed: 5 to 0

5 MIN BREAK: 5:42 PM

Unlawful Use of District Property

In response to Ms. Dottie Moses’ comments, Mr. Paul Christian informed the Board that he received an email from Ms. Dottie Moses over the weekend that showed an unusually large retail set-up on District property in front of the wastewater treatment plant. Mr. Christian stated that he contacted the Sherriff’s Office and requested that they politely ask the person to vacate the premises. Mr. Christian also noted that the security guard has been informed that no one is allowed in that area of the property.

Staff answered questions from the Board.

EXTENSION: 6:00 PM

Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.

CONSTRUCTION REPORT

Chemical Storage and Feed System Recommendation

Mr. Ed Castle informed the Board that Wharton-Smith was the only respondent to the request for proposals for the Chemical System Upgrade. Mr. Castle indicated that, for the reasons stated in his memo, he is recommending that the Board reject the bid and complete the project in phases.

Motion: Commissioner Tobin made a motion to reject the bid and Commissioner Gibbs seconded the motion.
Vote on Motion:
  Commissioner Tobin – Aye
  Commissioner Gibbs – Aye
  Commissioner Higgins – Aye
  Commissioner Majeska – Aye
  Chairman Asdourian – Aye
Motion Passed: 5 to 0

OPERATIONS REPORT

Salinity and Progress of Islamorada

Mr. Chuck Adams addressed Commissioner Gibbs’ questions regarding Islamorada salinity and progress, stating that Islamorada has had an average salinity of 1.78 parts per thousand and average flow is 0.199 million gallons per day, and answered questions from the Board.

ENGINEER’S REPORT

Update of Blowers

Mr. Ed Castle informed the Board that the District has received the bonds and insurance, and that the District has issued a partial Notice to Proceed to purchase the blowers. Mr. Castle answered additional questions from the Board.

ADMIN / CUSTOMER SERVICE REPORT

Contract Review for Headquarters Building Remodel

Mr. Christian presented to the Board a contract with Vogt-Spear for the Headquarters Building Remodel project. Mr. Christian stated that the price difference included contract changes and an allowance for the performance bond and answered additional questions from the Board.

Motion: Commissioner Higgins made a motion to adjust the contract price to $283,500 and Commissioner Gibbs seconded the motion.

Vote on Motion:
  Commissioner Higgins – Aye
  Commissioner Gibbs – Aye
  Commissioner Majeska – Aye
  Commissioner Tobin – Aye
  Chairman Asdourian – Aye
Motion Passed: 5 to 0

Code Compliance

Mr. Rob Bulkiewicz presented the December 2015 code compliance list to the Board. Mr. Bulkiewicz informed the Board that there are additional steps taken in the code compliance process and as a result, 2 parcels on the list were granted extensions. Chairman Asdourian expressed his concern regarding the reasons parcel owners were requesting extensions.
Staff answered questions from the Board.

LEGAL REPORT

Resolution to Establish Fees and Charges for Records Requests

Public Comment: Ms. Sue Heim thanked the Board for considering this resolution and expressed her concern regarding language in the resolution.

Mr. Ray Giglio presented the resolution to the Board and informed the Board that the fee schedule is directly from F.S. 119.07. Staff answered questions from the Board.

Motion: Commissioner Gibbs made a motion to adopt Resolution No. 28-12-15 as written and Commissioner Tobin seconded the motion.

Vote on Motion:
Commissioner Gibbs – Aye
Commissioner Tobin – Aye
Commissioner Higgins – Aye
Commissioner Majeska – Aye
Chairman Asdourian – Aye

Motion Passed: 5 to 0

EXTENSION: 6:30 PM

Motion: Commissioner Majeska made a motion to extend the meeting 30 minutes. The motion passed without objection.

Monroe Co. v. State of Florida

Mr. Ray Giglio presented the final judgment from the Monroe Co. v. State of Florida bond validation hearing. Staff answered questions from the Board.

General Counsel Employment Contract

Mr. Ray Giglio presented his updated employment contract and answered questions from the Board. The Board requested this item be brought back to a future meeting for action.

Local Bills

Mr. Paul Christian informed the Board that the local bills previously discussed by the Board for 2015 were too late for this year and would be brought back in time for next years session.

BUDGET AND FINANCE REPORT

Monthly Finance Report

Mrs. Connie Fazio presented the monthly financial report. Mr. Paul Christian pointed out the two styles of monthly reports to the Board and staff answered questions from the Board.
Last Year’s Financial Report

Commissioner Majeska expressed his satisfaction over the District’s ability to be approximately $700,000 under budget for fiscal year 2015. Commissioner Majeska suggested giving staff an approximate bonus of $486 based on budget performance. Commissioner Gibbs suggested giving staff a $500 bonus.

Motion: Commissioner Gibbs made a motion to give all full time employees, excluding commissioners, a $500 bonus for the year and Commissioner Higgins seconded the motion.

Vote on Motion:

- Commissioner Gibbs – Aye
- Commissioner Higgins – Aye
- Commissioner Majeska – Nay
- Commissioner Tobin – Nay
- Chairman Asdourian – Aye

Motion Passed: 3 to 2

ADJOURNMENT

The Meeting was adjourned at 6:54 PM.

______________________________

David Asdourian, Chairman

______________________________

Katherine Jackson, Clerk
Meeting Date: January 5, 2016

Agenda Item Number: H-1

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Discussion

Department: Construction
Sponsor: Chuck Adams

Subject: Monthly Construction Report

Summary of Discussion:

Operations Manager Chuck Adams has provided an update on the status of KLWTD current and planned construction projects.

Reviewed / Approved
Operations: [Signature]
Administration: ________
Finance: ________
District Counsel: ________
District Clerk: ________
Engineering: ________

Financial Impact
Expense: $0.00
Funding Source: Grant(s)
Budgeted: N/A

Attachments
1. December Construction Update

Approved By: [Signature]
General Manager
Date: 12/31/2015
To: K LWTD Commissioners  
From: Chuck Adams  
CC: Paul Christian  
Subject: Monthly Construction Update

Below is a list of current and planned construction projects with status updates.

### Current Construction Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Current Status</th>
<th>Bid Date</th>
<th>Contract Start</th>
<th>Contract end</th>
<th>Expended To Date</th>
<th>Total Project Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grinder Pump Program</td>
<td>93.4% of Stations Installed</td>
<td>11/21/2013</td>
<td>5/24/2014</td>
<td>1/31/2015 New Substantial completing date granted by Board on 12/01/2015</td>
<td>$592,060</td>
<td>$751,928</td>
</tr>
<tr>
<td>Sludge Handling System</td>
<td>Completed Certificate of Substantial Completion has been received, punch list is being worked on</td>
<td>11/13/2013</td>
<td>9/29/2014</td>
<td>11/30/2015</td>
<td>$4,340,200</td>
<td>$4,289,066</td>
</tr>
<tr>
<td>Chemical Storage &amp; Feed System</td>
<td>Bid rejected by Board on December 15, 2015</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>SCADA Upgrade</td>
<td>Aqua-Aerobics is working on implementation</td>
<td>N/A</td>
<td>TBD</td>
<td>TBD</td>
<td>-</td>
<td>$108,640</td>
</tr>
<tr>
<td>WWTP Blower Upgrades</td>
<td>Contract Awarded 11/17/15, Partial Notice to Proceed Issued 12/7/15</td>
<td>9/8/2015</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$1,581,110</td>
</tr>
</tbody>
</table>

*connecting is an improvement in environmental balance*
Project Specific Notes

1. Grinder Pump Program:
   a) Force main installation: Completed – Billed (Fountain Contract)
   b) Phase 1 (25 units): Completed – Billed (Keys Contracting Contract)
   c) Phase 2 (27 units): Completed - Billed
   d) Phase 3 (27 units): Completed - Billed
   e) Phase 4 (28 units): Completed – Billed
   f) Phase 5 (34 units): Last Phase – 30 of 34 stations have been completed and billed.
   g) Final Release of Phases 1-4: 15 parcels pending.

2. Sludge Handling System (Digester) Project:
   a) The new digester tank is completed and operational
   b) A final inspection was held on 11/13/2015, and a punch list was prepared by Weiler Engineering for Wharton-Smith, and is currently being worked on by the contractor

3. Chemical Storage & Feed System
   a) The bid from the sole bidder was rejected on December 15, 2015

4. SCADA Upgrade
   a) Aqua-Aerobics is in the process of implementing the upgrade.
   b) New SCADA servers have been built and tested by the IT Department, to be shipped to Aqua-Aerobics for installation, configuration and operational testing in February.

5. WWTP Blower Upgrades
   a) Intent to Award has been issued to Wharton-Smith.
   b) Negotiations are complete, and the Board approved the final contract on 11/17/2015.
   c) Partial Notice to Proceed issued on 12/7/15. Contract start time will begin with full Notice to Proceed.

Respectfully Submitted,

Chuck Adams
Operations Manager

connecting is an improvement in environmental balance
Meeting Date: January 5, 2016

Agenda Item Type: Resolution
Agenda Item Scope: Customer Service
Recommended Action: Action: Approval

Department: Customer Service
Sponsor: Rob Bulkiewicz
Subject: Reversal of Waiver - AK#1571431

Summary of Discussion:
Assessment was waived in 2009 by the previous owner. The current owner would like to reverse the waiver and receive wastewater service.

Reviewed / Approved
Operations: 
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact

Operations: $ 6,491.19
Finance: Income Uncollected
District Counsel: Funding Source: Assessment Revenue
District Clerk: Budgeted: No

Attachments
1. Resolution Draft 01-01-16
2. Customers Request
3. Reversal of Waiver and Ack. of Costs and Assessments
4. Map

Approved By: General Manager
Date: 12/31/2015
RESOLUTION NO. DRAFT 01-01-16

A RESOLUTION OF THE BOARD OF COMMISSIONERS
APPROVING THE REQUEST OF HAROLD AND SHERRY
FRIED FOR THE REINSTALLMENT OF ASSESSMENT OF
ONE TAX PARCEL TO THE 2015 NON-AD VALOREM
ASSESSMENT; AND PROVIDING FOR APPLICABILITY
AND AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District ("District") assessed
the property listed below in Section 1 via Resolution 28-08-06 dated August 9,
2006, the Final Assessment Resolution for 2006; and

WHEREAS, at the request of the property owner and in accordance with the
General Rules and Regulations, the District subsequently issued a waiver of the
Parcel listed in Section 1 which is filed in the Office of the Circuit Court of Monroe
County, in Official Records, Book number 3406, Page 1287 on the 1st day of April,
2009; and

WHEREAS, subsequently, the District approved the request of the current parcel
owner, Harold and Sherry Fried to reverse the waiver on the parcel described in
Section 1.

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

Section 1.
PARCEL ID: 00468020-000000
AK NO. 1571431
PARCEL DESCRIPTION: BK 9 LT 10 SOUTH CREEK VILLAGE KEY LARGO
PB3-85 OR377-1062 OR623-160 OR1028-508/09QC
OR1028-554D/C OR1028-557/60WILL OR1028-508/09
OR1041-1695 OR1041-1696 OR1199-45 OR1323-1176
OR2727-698LET/ADM OR2745-1911/12ORD OR2753-
724/32

Section 2.
Resolution number 15-08-15 dated August 4, 2015 (The
2015 Final Assessment Resolution), Section 3.01
(Assessment Roll) is hereby amended to include the Parcel
listed in Section 1 above.

Section 3.
The System Development Charge (SDC) the owner is
required to pay $5,770, plus additional costs of $521.19, plus
an administrative fee of $200 for a total of $6,491.19. This
amount is due and payable in full on the effective date of this
Resolution.
Section 4. Any unpaid portion of the amount listed in Section 3 in addition to any other reasonable fees associated with the collection of the amount listed in Section 3 shall be added to the following year's non Ad-Valorem Assessment Roll in its entirety and shall constitute a lien upon the assessed parcel(s), equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. The lien shall be deemed perfected upon adoption of this Resolution.

Section 5. APPLICABILITY AND EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of Commissioners.

Section 6. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 5th DAY OF JANUARY, 2015

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:

<table>
<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Asdourian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Gibbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Higgins</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Majeska</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 5th day of January, 2015.

KEY LARGO WASTEWATER TREATMENT DISTRICT

________________________

David Asdourian, Chairman
ATTEST: Approved to as to form and legal sufficiency

______________________________
Katherine Jackson, District Clerk

______________________________
General Counsel, Ray Giglio

SEAL
Request for Reversal of Waiver of Wastewater Service

ALL fields must be completed, unless indicated as optional, before the request will be reviewed.

Property Owner of Record: Hal and Sherry Fried

Name of Request Initiator: Sherry Fried

Email (optional): 

Phone: 305-852-1635

PARCEL
RE/Parcel ID: 00468020-000000

Alternate Key: 1571431

Parcel Legal Description: BK 9 LT 10 SOUTH CREEK VILLAGE KEY LARGO

ORIGINAL WAIVER
Date Filed MC: 04/01/2009

Clerk of Courts: Doc No: 1736510

Book: 2406

Page: 1287

☐ I request a REVERSAL of WAIVER of wastewater assessment. I understand that after reversal of waiver is approved I will be required to pay:

$ 521.19

$ 5,770

$ 200

$ 6,491.19

Total

Additional Notes or Requests:

☐ Parcel HAS wastewater service available. No additional costs will be incurred.

☒ Parcel does NOT have wastewater service available. Additional costs to provide parcel with wastewater service is $ 521.19. (Break down of costs is attached.)

Signature

Dec. 2, 2015

Date

The completed request may be mailed to PO Box 491, Key Largo, FL 33037, faxed to 305-453-5807 or hand delivered to the District office located at 98880 Overseas Hwy, Key Largo, FL 33037.

To be completed by KLWTD Engineering Department

Survey conducted by: Mike Dempsey

☐ Parcel HAS wastewater service available. No additional costs will be incurred.

☒ Parcel does NOT have wastewater service available. Additional costs to provide parcel with wastewater service is $ 521.19. (Break down of costs is attached.)

KLWTD Form F-22
Key Largo Wastewater Treatment District
PO Box 491
Key Largo, FL 33037
(305) 451-4019
www.klwtd.com

INVOICE

Date: Nov. 25, 2015
Invoice #15-0001125

TO: Hal & Sherry Fried
PO Box 9357
Tavernier, FL 33070

<table>
<thead>
<tr>
<th>Reversal of Waiver for Vacant Property at BK 9 LT 10 South Creek Village Key Largo AK#K1571431</th>
<th>Payment must be received before reversal of waiver is reviewed by KLWTD Board.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL DUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>System Development Charge</td>
<td>$5,770.00</td>
</tr>
<tr>
<td>Administrative Fee for Waiver Reversal</td>
<td>$200.00</td>
</tr>
<tr>
<td>Materials and Supplies Fees</td>
<td>$356.36</td>
</tr>
<tr>
<td>Labor</td>
<td>$164.83</td>
</tr>
<tr>
<td>Total:</td>
<td>$ 6,491.19</td>
</tr>
</tbody>
</table>

Make all checks payable to: KLWTD
### Construction Costs

**Date:** Nov. 25, 2015  
**AK#:** 1571431

**TO:**  
Hal & Sherry Fried  
PO Box 9357  
Tavernier, FL 33070

**Key Largo Wastewater Treatment District**  
PO Box 491  
Key Largo, FL 33037  
(305) 451-4019  
www.klwtd.com

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ft. SDR 21 Pipe</td>
<td>$ 4.08</td>
</tr>
<tr>
<td>1- Trans. Coupling</td>
<td>$ 14.00</td>
</tr>
<tr>
<td>2- 45 SDR 26/ Bell by Bell</td>
<td>$ 38.00</td>
</tr>
<tr>
<td>1- 45 Street SDR 26</td>
<td>$ 18.00</td>
</tr>
<tr>
<td>1- 6&quot; SDR 26 Cap</td>
<td>$ 22.00</td>
</tr>
<tr>
<td>1- Clean Out Assembly</td>
<td>$ 21.00</td>
</tr>
<tr>
<td>1- SDR 26 6x6 Wye</td>
<td>$ 35.00</td>
</tr>
<tr>
<td>1- Full Stick SDR 26 Pipe</td>
<td>$ 85.28</td>
</tr>
<tr>
<td>Clean Out Box</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>Lid for Clean Out Box</td>
<td>$ 69.00</td>
</tr>
<tr>
<td>Labor</td>
<td>$ 164.83</td>
</tr>
</tbody>
</table>

**Total:** $ 521.19
Property Appraiser Parcel Identification Number(s) = 1571431

Key Largo Wastewater Treatment District

Reversal of Waiver of Wastewater Service

and

Acknowledgement of Costs and Assessments

THIS Reversal of Waiver of Wastewater Service and Acknowledgement of Costs and Assessments (the "Reversal of Waiver") is made this 14th day of December 2015, by the Key Largo Wastewater Treatment District with respect to the Parcel listed in Attachment "A" (the "Parcel"):  

WHEREAS, the undersigned, who are all of the Owners or are the legal representatives of all of the Owners (collectively, the "Owners") of the Parcel, previously requested that the District exclude the Parcel from the District's Assessment roll and waive the Assessments levied against the Parcel on the grounds that the Parcel cannot and/or will not receive Wastewater Service; and

WHEREAS, the Owners executed a Waiver of Wastewater Service and Acknowledgement of Potential Costs for the Parcel, which waiver was filed in the Office of the Clerk of the Circuit Court of Monroe County, State of Florida, in Official Records Book Number 2406, at Page 1287 on the 1st day of April, 2009; and

WHEREAS, the Owners now request that the District reinstate, and again provide, wastewater service to the previously waived Parcel; and

WHEREAS, Owners of previously waived Parcels, who subsequently request that the District reinstate, and again provide, wastewater service to those Parcels, are required to pay a system development charge, in accordance with Resolution Number 28-08-06, the 20-06 Final Assessment Resolution, as well as all direct and indirect costs, expenses, and administrative fees.

NOW, THEREFORE, in consideration of the premises, the Key Largo Wastewater Treatment District finds and agrees:

1. That, as of the date first above written, based upon the information provided by the Owners and the records of the Monroe County Property Appraiser, the undersigned are all of the owners, or are the legal representatives of all of the Owners, of the Parcel.
2. That, in accordance with Resolution Number No. 28-08-06, the 2006 Final Assessment Resolution, the Owners are required to pay to the District an amount fairly representing the special benefit that the Parcel has received and/or will receive, as determined by the District, which amount shall be equivalent to the original System Development Charge ("SDC") for the current year's assessment resolution or the last year's SDC adjusted for inflation in accordance with the Consumer Price Index.

3. That the SDC the Owners are required to pay has been determined by the District to be the sum of $5,770.00, plus additional costs of $521.19, plus an administrative fee of $200, for a total of $6,491.19.

4. That the District will direct the Monroe County Tax Collector to, reinstate the District's Non-Ad Valorem Wastewater Assessment against the Parcel utilizing the method of collecting non-ad valorem assessments provided in Chapter 197.3632, Florida Statutes (the Uniform Assessment Collection Act).

5. That the Effective Date of this Reversal of Waiver shall be the date on which a resolution approving and accepting same is adopted by the Board of Commissioners of the Key Largo Wastewater Treatment District.

6. That wherever used herein, the terms "Owners" and "District" include all the parties involved and their respective heirs, legal representatives, successors and assigns; and, unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

IN WITNESS WHEREOF, on the day and date first above written, the Key Largo Wastewater Treatment District, acting by and through its General Manager, hereby accepts and agrees to this Reversal of Waiver of Wastewater Service and Acknowledgement of Costs and Assessments.

Key Largo Wastewater Treatment District:

Paul Christian, General Manager

Approved as to Form and Legal Sufficiency:

Ray Giglio, District Counsel
Acknowledgement of Costs and Assessments

THE UNDERSIGNED, who are all of the Owners or are the legal representatives of all of the Owners of the Parcel(s) listed in Attachment “A” acknowledge, certify, and agree: (a) that they now desire to receive wastewater service to the previously waived Tax Parcel listed in Attachment “A” and have requested that the District make this Reversal of Waiver; (b) that, in connection with this Reversal of Waiver, they are required to pay to the District the amount listed in paragraph “4” above; (c) that if they fail or neglect to pay any or all of this sum, any such unpaid amount shall become a lien upon the Parcel; and (d) that this Reversal of Waiver and all of its terms and conditions shall be binding upon the signatories, their successors and assigns, and all subsequent owners of the Tax Parcels listed in Attachment “A”.

Dated: 12/14/15

Owner SHERRY FRIED Owner ______________________

Print Name SHERRY FRIED Print Name ______________________

Signed, Sealed and Delivered in the presence of these Witnesses (one of whom may be the Notary):

Witness ______________________

Print Name MELISSA CORNELISON Print Name ______________________

COUNTY OF MONROE
STATE OF FLORIDA

I HEREBY CERTIFY that on this 14th day of December 2015, before me, an officer duly authorized to take acknowledgments, personally appeared ______________________ known to me to be the person(s) named in the foregoing instrument, who acknowledged executing same in the presence of two subscribing witnesses and who is/are personally known to me or who produced drivers license as identification and who did/did not take an oath.

(Notary Seal)

Notary Public
Diane Bockelman
Printed Name of Notary

My Commission Expires: August 21, 2016
Acknowledgement of Costs and Assessments

THE UNDERSIGNED, who are all of the Owners or are the legal representatives of all of the Owners of the Parcel(s) listed in Attachment “A” acknowledge, certify, and agree: (a) that they now desire to receive wastewater service to the previously waived Tax Parcel listed in Attachment “A” and have requested that the District make this Reversal of Waiver; (b) that, in connection with this Reversal of Waiver, they are required to pay to the District the amount listed in paragraph “4” above; (c) that if they fail or neglect to pay any or all of this sum, any such unpaid amount shall become a lien upon the Parcel; and (d) that this Reversal of Waiver and all of its terms and conditions shall be binding upon the signatories, their successors and assigns, and all subsequent owners of the Tax Parcels listed in Attachment “A”.

Dated: 10/17/15

Owner

Print Name HAROLD FRIEND

Signed, Sealed and Delivered in the presence of these Witnesses (one of whom may be the Notary):

Witness

Print Name LAURA WEINSTECK

COUNTY OF MONROE
STATE OF FLORIDA

I HEREBY CERTIFY that on this 17th day of December, 2015, before me, an officer duly authorized to take acknowledgments, personally appeared Harold Edwards Fried, known to me to be the person(s) named in the foregoing instrument, who acknowledged executing same in the presence of two subscribing witnesses and who is/are personally known to me or who produced Drivers License as identification and who did/did not take an oath.

(Notary Seal)

My Commission Expires: 11-11-17
Reversal of Waiver of Wastewater Service

and

Acknowledgement of Costs and Assessments

Attachment A

Tax Parcel(s) receiving wastewater Service:

Parcel:
- Alternate Key Number: 1571431
- RE Number: 00468020-000000
- Physical Location: VACANT LAND KEY LARGO
- Legal Description: BK 9 LT 10 SOUTH CREEK VILLAGE KEY LARGO PB3-85 OR377-1062 OR623-160 OR1028-508/09QC OR1028-554D/C OR1028-557/60WILL OR1028-508/09 OR1041-1695 OR1041-1696 OR1199-45 OR1323-1176 OR2727-698LET/ADM OR2745-1911/12ORD OR2753-724/32
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 5, 2015
Agenda Item Number: M-1

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Discussion

Department: Operations
Sponsor: General Manager
Subject: Paul Christian

Verbal Update on the Manatee Bay and Monroe Park Sewer Service Study

Summary of Discussion:

Reviewed / Approved

<table>
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<tr>
<th>Department</th>
<th>Financial Impact</th>
<th>Attachments</th>
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<td>Engineering</td>
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Approved By: [Signature]
General Manager
Date: 12/31/2015
Meeting Date: January 5, 2016

Agenda Item Type: Information / Presentation

Department: General Manager

Subject: Washington, D.C. Update

Summary of Discussion:

Reviewed / Approved
Operations: _______
Administration: _______
Finance: _______
District Counsel: _______
District Clerk: _______
Engineering: _______

Financial Impact
$ 0.00

Funding Source:
N/A

Attachments
1. Letter to Secretary Darcy, ACOE

Approved By: ___________________________ Date: 12/31/2015
December 21, 2015

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
Headquarters, US Army Corps of Engineers
441 G. St. NW
Washington DC 20314-1000

Dear Secretary Darcy:

We are writing to respectfully request your consideration to award $5 million in your fiscal year 2016 Work Plan for Environmental Infrastructure funding for the Florida Keys Water Quality Improvement Program [FKWQIP]. This funding would be provided from the US Army Corps of Engineers National “Environmental Infrastructure” authority which received $55 million in the Energy and Water Appropriations Title of the Omnibus Appropriations Act, 2016.

The FKWQIP is the Congressionally authorized effort now entering its sixteenth year during which the Corps has assisted local agencies in the Florida Keys to meet Federal and State requirements that advanced wastewater treatment systems be constructed in the Florida Keys. This was an essential step since septic systems and other inadequate wastewater treatment strategies were contributing to the serious degradation of the Near Shore Waters of the Florida Keys. These waters are not only an irreplaceable environmental treasure but also underpin the entire economy of the Keys.

The Key Largo Wastewater Treatment District, the City of Marathon, and Islamorada, Village of Islands, are the current local sponsors of the FKWQIP. To date, more than $47 million in Corps of Engineers funding has been provided for this effort out of the total $100 million authorization. Corps of Engineers Environmental Infrastructure funding has helped these agencies construct advanced wastewater systems and meet water quality standards to protect and restore the near Shore Waters of the Florida Keys. One of the greatest beneficiaries has been the Florida Keys National Marine Sanctuary, established in 1990, which is the world’s third largest coral reef system and represents the only living barrier reef in the continental United States. Sewering the Florida Keys has also created jobs and stimulated the entire regional economy providing residents and visitors alike with unparalleled opportunities to enjoy this unique area of the world.
Though 4 million visitors travel to the Florida Keys each year, fewer than 28,000 people reside in Marathon, Islamorada, and in the Key Largo Wastewater Treatment District while the cost of sewering these three jurisdictions is almost $400 million. The funding partnership with the Army Corps of Engineers has helped those who work and operate businesses in the Florida Keys to share at least a portion of the cost and continues to be deeply appreciated.

The local sponsors appreciate the past support of the Corps in including the FKWQIP in your annual Work Plan and we ask for your continuing consideration for inclusion for FY16.

Sincerely,

Mark Semmarten, Mayor

Deb Gillis, Mayor

David Aschenbrenner, Chairman
Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: January 5, 2016
Agenda Item Number: N-1

Agenda Item Type: Information / Presentation
Agenda Item Scope: Review / Discussion
Recommended Action: Discussion

Department: Legal
Sponsor: Ray Giglio

Subject: Legal Report on the Waiver of the Fire/EMS Assessments

Summary of Discussion:
At last week’s transition meeting, the Board received a request from the Key Largo Fire & EMS District for a discount and/or waiver of their outstanding assessment charges of $37,810.28. It is with regret, and for the reasons detailed in the attached memo, that I must advise the Board that, in my opinion, the District does not have the authority to grant such a request.

Reviewed / Approved
Operations: 
Administration: 
Finance: 
District Counsel: 
District Clerk: 
Engineering: 

Financial Impact
$ 0.00

Funding Source: 
Budgeted: N/A

Attachments
1. Memo from Ray Giglio

Approved By: [Signature]
General Manager

Date: 12/31/2016
December 9, 2015

From: Ray Giglio, General Counsel

To: Paul Christian, General Manager
    Commissioners

QUESTION PRESENTED:

Whether the Key Largo Wastewater Treatment District ("KLWTD") can legally discount and/or waive the outstanding assessment charges of the Key Largo Fire & EMS District ("KL Fire-EMS")?

SHORT ANSWER:

No. It does not appear that such a waiver would be consistent with applicable Florida statutory or case law; nor does it appear that it would it be consistent with KLWTD’s January 29, 2010 Wastewater Revenue Bond Resolution.

BACKGROUND:

At KLWTD’s regular 12-08-2015 meeting, KL Fire-EMS requested that KLWTD grant it a discount on or waiver of KL Fire-EMS’s outstanding assessment balance. Key Largo Fire & EMS District’s current total outstanding KLWTD assessment balance is $37,810.28.1

1 Key Largo Fire & EMS District outstanding assessment balances:
   Station 22 – Paid In Full – AK#1585653 / RE#00479100-000000 – 151 Marine Ave
   Station 23 – $12,324.00 – AK#1097012 / RE#00088100-000100 – 98600 Overseas
   Station 24 – $11,433.50 – AK#1623601 / RE#00505750-000000 – 1 East Dr
   Station 25 – $14,052.78 – AK#1685739 / RE#00560090-000000 – 220 Reef Dr
DISCUSSION:

Authority to impose taxes:

K LWTD receives money from a variety of sources, including: non-ad valorem taxes, fees, loans and grants. As a special district, K LWTD’s authority to impose non-ad valorem taxes on the residents of the District is derived from Article VII, section 9, of the Florida Constitution. That section makes it clear that special districts possess no inherent powers to levy ad valorem or non-ad valorem taxes and that for a special district to have such taxing power, it must be authorized by general law.

Because special districts (like K LWTD) possess no inherent powers to tax, they must be able to point to specific statutory authority to exercise taxing power. Put another way, special districts must be granted the power to tax by the state legislature—and they only have the taxing authority that is granted to them by the legislature. This authority is strictly and narrowly construed by the courts.

The Key Largo Wastewater Treatment District was authorized and created by Chapter 2002-337 of the Laws of Florida, which enabling legislation, as amended, became the K LWTD Charter. Subsection “(2)” of “Section 4” of the Charter lays out the Powers, Functions, and Duties that the K LWTD is “authorized and empowered” to exercise. Those powers include the power to assess and impose non-ad valorem assessments and the power to impose fees and charges.

Florida law allows special districts that are authorized to impose non-ad valorem assessments to use the uniform method of collecting such assessments. The special assessment imposed by K LWTD is based upon the benefit to the assessed property. Therefore, the assessment imposed by K LWTD is a "non-ad valorem assessment" which may be collected pursuant to the uniform method of collecting such assessments and which becomes a lien.

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2 Article VII, s. 9(a), Fla. Const., provides: Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution. [emphasis added]
3 Id.
4 Section 4. "(f) To assess and impose ad valorem taxes, and non-ad valorem assessments, upon the lands in the District, as provided by this act and chapter 197, Florida Statutes."
5 Section 4. "(j) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities."
6 Section 197.3632 (d), F.S. "Non-ad valorem assessment" means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.
7 Section 197.3632, F.S. Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.
8 Id.
against such property. That means that a failure to pay the District’s assessment will cause a tax certificate to be issued against the property, which could result in the property owner losing title.9

**No Inherent Authority to Exempt from Taxation:**

However, where the legislature has directed how a thing shall be done, that direction effectively operates as a prohibition against such thing being done in any other manner.10 Thus, as a general rule, like municipalities, a special district “... has no inherent power to exempt from taxation property which it is authorized by statute or charter to tax, since, with some exceptions, delegation of power to tax does not include power to exempt from taxation or power to remit or compromise taxes...”11 [emphasis added] Moreover, it appears that the same rule and the same rationale applies to fees and charges imposed by the District.12 Those fees and charges must be equitably applied to all of the ratepayers of the KLWTD. To treat one entity or group of people differently could constitute a denial of equal protection of the law in violation of both the Florida and United States Constitutions.

**Charter Restrictions:**

It should also be noted that, as per the KLWTD Charter, the “... purpose of the District shall be to perform such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the District, including all business facilities necessary and incidental thereto.”13

Therefore, for the District to legally discount or waive the assessment of KL Fire-EMS, it would have to be shown that such a discount or waiver is necessary in order for the District to carry out the purposes for which it was created. However, it does not appear that such a waiver or discount is necessary to carry out the purposes of the District.

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9 Section 197.3632 (4) (b), F.S.
10 Advisory Legal Opinion - AGO 2000-01; See, e.g., Alsop v. Pierce, 19 So. 2d 799, 805-806 (Fla. 1944); Dobbs v. Sea Isle Hotel, 56 So. 2d 341, 342 (Fla. 1952); Thayer v. State, 335 So. 2d 815, 817 (Fla. 1976).
11 16 McQuillin Municipal Corporations (3rd Ed. Rev. 1994) s. 44.65 p. 243. See also Ops. Att'y Gen. Fla. 00-01 (2000) (municipality has no authority to exempt business from occupational license tax when business not exempted by Ch. 205, Fla. Stat.); 99-72 (1999) (city or county has no home rule power to levy taxes or provide exemptions therefrom).
12 See, e.g., Ops. Att'y Gen. Fla. 90-23 (1990) (city may not provide for the rebate of ad valorem taxes collected on newly annexed property, in the absence of constitutional or statutory authority allowing such action); 80-87 (1980) and 79-26 (1979) (municipality has no home rule powers with respect to the levy of excise or non-ad valorem taxes and exemptions therefrom, as all such taxing power must be authorized by general law).
13 KLWTD Charter, Section 3. (S)
In fact, the opposite appears to be the case. That is because, granting a discount or waiver to KL Fire-EMS would not only not generate additional revenue for KLWTD, it would patently reduce the revenue to KLWTD. That lost revenue would have to be made up by other KLWTD ratepayers. Thus, while such a discount or waiver might benefit KL Fire-EMS, there would be no special benefit to KLWTD.

**General Requirements of Law:**

If KLWTD were to grant the requested discount or waiver to KL Fire-EMS, it would be opening the door to similar requests by other public service entities within the KLWTD. Such other entities might include (but would not necessarily be limited to) schools, medical facilities, governmental facilities, and public service clubs and organizations.

KLWTD would then be faced with the question of which, if any, of these other entities would also be entitled to mitigation of their assessment charges. Moreover, unless KLWTD had a rational basis for granting such a discount to KL Fire-EMS but not those other entities, its decision could be challenged as *Arbitrary and Capricious*.

In Florida,\(^{14}\) the courts use the *Arbitrary and Capricious* standard when reviewing the rule-making authority of an administrative agency.\(^{15}\) That means that when an agency like the KLWTD makes a decision, rule, or ruling without reasonable grounds or adequate consideration of the circumstances, that decision, rule, or ruling is said to be *Arbitrary and Capricious* and it can be invalidated by the courts on that ground.

There is no set standard for what constitutes an *Arbitrary and Capricious* decision, rule, or act. Nonetheless, generally speaking, an act or ruling is considered to be *Arbitrary and Capricious* if there is an absence of a rational connection between the facts found and the choice made.\(^{16}\)

One section of Florida’s *ADMINISTRATIVE PROCEDURE ACT*\(^{17}\) addresses the issue of when a rule is arbitrary or capricious. That section states that, “*A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.*”\(^{18}\)

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14 As well as in every other state and in the Federal system
16 *Natural Resources v. U.S.*, 966 F.2d 1292, 97, (9th Cir.'92). See *Dravo Basic Materials Co., Inc. v. State, Dep't of Transp.*, 602 So. 2d 632, 634 (Fla. 1st DCA 1992).
17 Chapter 120, F.S. Note: the District is not subject to the Administrative Procedure Act.
18 Section 120.57 (1) (e) 2. d. F.S. [which discusses when an agency’s action may be based upon unadopted rules]
Stated another way, a rule is *Arbitrary and Capricious* if there is no rational connection between the facts found and the choice made.\(^{19}\) The U.S. Supreme Court has explained that the *Arbitrary and Capricious* standard "require[s] the reviewing court to determine whether the agency has "examine[ d] the relevant data and articulate[ d] a satisfactory explanation for its action including a rational connection between the facts found and the choice made. [The reviewing court] must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment."\(^{20}\)

Therefore, the touchstone inquiries for determining whether a decision by KLWTD granting a discount or waiver to KL Fire-EMS but not to other entities is *Arbitrary and Capricious* are: whether that decision is supported by logic or the necessary facts; whether it is reasonable and rational; and whether the rule or ruling is fair and uniformly applied.

Unfortunately, as KL Fire-EMS has not supplied any basis for KLWTD to grant it a discount or waiver of its assessment, it appears that if KLWTD were to do so, it would be acting in an *Arbitrary and Capricious* manner.

KL Fire-EMS has not shown—or even alleged—that the strict application of KLWTD’s uniformly applicable assessment policy would lead to unreasonable, unfair, and unintended results in its particular instance. It has not shown—or even alleged—that, as applied to it, KLWTD’s assessment policy would create a substantial hardship or would affect it in a manner significantly different from the way it affects other similarly situated entities who are subject to the rule.

That failure on the part of KL Fire-EMS suggests that if KLWTD were to grant its request, KLWTD would not only be acting arbitrarily and capriciously, it would also be reneging on its responsibility to provide an operational wastewater treatment system to the residents of the District, while keeping costs as low as possible for all customers.

**Bond Restrictions:**

In addition, there are constraints imposed upon the KLWTD by the *Wastewater Revenue Bond Resolution* ("Master Resolution") adopted by the KLWTD on January 29, 2010, in connection with the financing of KLWTD debt. Pursuant to that Master Resolution, the KLWTD’s sources of money are pledged to the repayment of debt. This is a binding obligation that KLWTD has made to its bondholders.

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\(^{19}\) *Natural Resources* v. U.S., 966 F.2d 1292, 97, (9th Cir.'92)

Moreover, section 5.09\textsuperscript{21} of that Master Resolution states that the K LWTD will not provide “any free services of any nature ..., nor will any preferential rates be established for users of the same class.”

It would therefore appear that if the K LWTD were to grant KL Fire-EMS a discount on or waiver of their outstanding assessment balance, that the K LWTD would be granting KL Fire-EMS free service and/or a preferential rate, in violation of the Master Resolution.\textsuperscript{22}

**CONCLUSION:**

It is with great regret that I must advise the Board that, in my opinion and for all of the reasons listed above, K LWTD does not have the legal authority to discount and/or waive the outstanding assessment charges of the Key Largo Fire & EMS District

Ray Giglio  
General Counsel

(305) 340-9198  
ray.giglio@klwtd.com

P.S. I am copying each K LWTD Commissioner by “Bcc” so that if one Commissioner replies directly from my email, he does not inadvertently copy his fellow commissioners.

\textsuperscript{21} SECTION 5.09. NO FREE SERVICE. “The Issuer will not render or cause to be rendered any free services of any nature by its System, nor will any preferential rates be established for users of the same class. ...”

\textsuperscript{22} However, it should be noted that Section 4.05(B)(8) of the District’s 1/29/10 Master Resolution creates a “Utility Reserve Fund” that permits the District to expend amounts for any lawful purpose related to the System, as long as all other deficit amounts are cured. Therefore, if the K LWTD were to create a program that established a different rate for other taxing districts or other users that were found to be in the “same class” as KL Fire-EMS, and if K LWTD were also to determine that enough monies are available to meet all of the obligations listed in the Master Resolution, such a discount and/or waiver—if uniformly and fairly applied—would appear to be permitted by the Master Resolution.
General Counsel Employment Contract

The District's General Counsel's contract expires on December 31, 2015. The attached contract extends the existing agreement between the District and General Counsel until December 31, 2016 and revises the salary to $9,000 per month ($108,000 per year). The contract includes no benefit except for the District's 457(b) match.
Employment Contract and Agreement for Legal Services
By and Between
Ray Giglio
and
Key Largo Wastewater Treatment District
01/01/2016 to 12/31/2016

This agreement is entered into, by, and between Ray Giglio ("the Attorney") and the Key Largo Wastewater Treatment District ("the District"). This agreement is effective as of January 1, 2016, and runs for a period of 12 months, until December 31, 2016.

The District agrees to pay the Attorney, and the Attorney agrees to accept, a monthly salary of NINE THOUSAND ($9,000.00) DOLLARS.

In consideration for the monthly salary shown above, the Attorney agrees to personally provide the following professional services:

The Attorney agrees promptly and diligently to provide legal services in connection with the District’s business, as requested by the District’s Board of Commissioners, by individual Commissioners, and/or by other representatives of District, who have been duly authorized by the Board of Commissioners to request legal services on behalf of District.

The Attorney further agrees to attend all District Board meetings, currently scheduled for the first three Tuesday evenings of each month, for the purpose of providing legal services, which shall include reviewing the meeting notice and agenda and reviewing the meeting minutes. The Attorney also agrees to attend client conferences as needed.

In addition to the monthly salary shown above, the District agrees to reimburse the Attorney for travel costs, including mileage, meals, and lodging, at rates approved by the District and consistent with the policies of the District and the rates allowed for travel by District employees, as set out in the District Travel Expense Policy. Quarterly, the Attorney shall deliver to the District a detailed statement showing reimbursable charges or expenses incurred during the preceding 3 months. Payment of such charges or expenses shall be due within 60 days after receipt of an invoice. If any part of the charges or expenses is disputed, the District shall promptly pay the Attorney the undisputed amounts and advise the Attorney of any amounts in dispute.

After the close of each calendar month, the Attorney shall deliver to the District a time sheet detailing the number of hours worked, the services provided, and the matters on which the work was performed. Such time sheets will be delivered by email to the
District Senior Finance Analyst Connie Fazio (connief@klwtd.com), with copies to the Commissioners and the General Manager.

Payments to the Attorney will be subject to payroll deductions for federal, state, and local taxes, FICA, and Medicare, where applicable. In accordance with federal and state requirements, the District will report payments made as a result of this agreement on the appropriate form(s) for income tax purposes.

With the exception of the District’s 457(b) match, this agreement shall not act to confer any benefits of any type or nature upon the Attorney, including but not limited to any collective bargaining agreement now or hereafter in effect between the District and its employees. The Attorney acknowledges that this is a salaried position that is exempt from overtime compensation requirements, including those contained in the Fair Labor Standards Act. The Attorney further acknowledges that this agreement creates no entitlement to benefits, vacation or sick time, seniority, probationary or provisional employment status, or retention as an employee under any law or regulation.

The Attorney shall not accept any other employment for compensation without the prior written consent of the District’s Board of Commissioners.

The Attorney is a public officer and a local government attorney as those terms are used in section 112.313 of the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officers and government attorneys.

This is an "at-will" agreement. Either party may terminate this agreement upon thirty (30) days' written notice to the other party. In case of termination, the Attorney shall cooperate with District in transferring responsibility for legal issues to a successor attorney selected by the District. The Attorney will return all District documents, records and equipment in the Attorney’s possession to the District, and the District will compensate the Attorney at the rates shown above for all services rendered prior to the effective date of termination.

The District’s contact for invoicing and general communications is:

Paul Christian  
KLWTD General Manager  
98880 Overseas Hwy  
PO Box 491  
Key Largo, FL  
Phone: 305-451-4019  
Fax: 305-453-5804  
Email: paul.christian@klwtd.com

The Attorney’s contact information is:

Ray Giglio, Attorney at Law
IN WITNESS WHEREOF, the parties have signed this agreement on the dates below their names.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By ____________________________
David Asdourian
Chairman

Date ____________________________

RAY GIGLIO

Ray Giglio, Attorney
FL Bar Number 0157340