

Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:
June 6, 2017

Agenda Item Number: N-1

Agenda Item Type:
Information / Presentation

Agenda Item Scope:
Review / Discussion

Recommended Action:
Discussion

Department:
Commissioner's Item

Sponsor:
Commissioner Tobin

Subject:
Request to Include in the District's Records

Summary of Discussion:

Reviewed / Approved

Financial Impact

Attachments

Operations: _____
Administration: _____
Finance: _____
District Counsel: _____
District Clerk: _____
Engineering: _____

\$ 0.00

Funding Source:

Budgeted:
N/A

1. Memo from Commissioner Tobin
RE: Patching vs. Matching

Approved By: _____
General Manager

Date: 6-1-17

**Andrew M. Tobin, Commissioner
Key Largo Wastewater Treatment District**

Dear Mayor and Commissioners;

Re: Patching vs. Matching

Thank you for allowing the KLWTD to discuss a proposal whereby the County would contribute "matching" funds of \$1.8 million dollars of impact fees that would be combined with \$2.2 million dollars of KLWTD "patching" money for the purpose of renovating, upgrading and improving existing county's roads during the installation of central sewage collection systems.¹ Because the BOCC is precluded from giving direction to staff or taking a position during the sounding board, I am asking one or more of you to place this item on the agenda for a formal vote at the next meeting.

Because your attorney has expressed reservations on the proposal, I would like to suggest that you direct her to prepare a formal memorandum in advance of the meeting to answer the following questions:

- a) Whether the intent of the impact fee ordinance is to offset the impacts of new development (1986- to present)?
- b) Whether it is reasonable for the BOCC to make a finding that impacts from "new development" includes impacts to county roads caused by: 1) new residential development, 2) new commercial development, or 3) the installation of new central sewage collections systems?
- c) Whether it is reasonable for the BOCC to make a finding that distinguishes between "routine maintenance" of roads vs. renovating, upgrading, and improving roads as more fully defined in the Weiler Memorandum?
- d) Whether a court is required to defer to the findings and interpretations of the BOCC unless the findings and interpretations are clearly erroneous?
- e) Whether commissioners enjoy absolute immunity from personal liability for legislative decisions made at a public hearing that have broad implications even if they vote contrary to the advice of counsel?

Five years ago, we presented the idea of combining "our money" with "your money" (which is really the citizens money) to your County Administrator and County Engineer. Everyone agreed it was a great idea! Unfortunately, due to budget constraints the County was unable to provide matching funds. Now that \$1.8 million of impact fees has been released, we owe it to the citizens of Key Largo to find a way to make this work. Remember the KLWTD is only required to "repair" any damages to County roads and does not have the legal authority to renovate, improve, or upgrade such roads.

Together we can get this done!

Respectfully yours,

Andrew M. Tobin, Commissioner KLWTD

¹The "match" will allow approximately 13 miles of county roads to be upgraded, improved, and renovated.